

# IN THE FIRST DEGREE

## MARGARET HOLMES BATES





THE LIBRARY  
OF  
THE UNIVERSITY  
OF CALIFORNIA  
LOS ANGELES

30











# In the First Degree

BY

MARGARET HOLMES BATES

Author of

"*The Chamber Over the Gate*," "*Jasper Fairfax*,"

"*The Price of the Ring*," "*Shylock's Daughter*,"

"*Manitou*," *Short Stories, Six School*

*Speakers, Poems, etc.*



NEW YORK  
ROBERT GRIER COOKE, INC.

1907

Copyright, 1907, by  
**ROBERT GRIER COOKE, INC.**

PS  
1077  
B318i

# IN THE FIRST DEGREE

## CHAPTER I

"ARE you really determined on this political move?"

"I—rather—think—I am. It seems to me it's the very best thing I can do, under the circumstances."

"You refer to the circumstances of—the office being easily within your reach?"

"Partly, yes." And the speaker, a man of perhaps twenty-six years, shifted his position, and feigned an ingenious look at his questioner as he continued: "Added to that is the fact that, as a married man, I must increase my income."

The older man met his eyes still interrogatively. It was very easy to discover the relationship of the two. Aside from a marked resemblance, there was the manner of father and son in the best phase of the relationship. The two were sauntering about the lawns that surrounded a large, comfortable-looking residence in the outskirts of a young city.

[ 1 ]

1523714

#### IN THE FIRST DEGREE

in the Middle West. The place was not unique, not very different from many other homes in the town of Stillwater. The house was square, and strongly built, the trees and shrubbery showed careful pruning, ornamental vines were trained over trellises and about the pillars of the wide verandas. It looked a home. It stood on a slight rise, a "knoll," as they called it in this level country, and the small cupola on the higher part of the house overlooked the town of Stillwater and the little lake from which it took its name when it consisted of a few frontiersmen's cabins, built on land preempted under government regulations.

These two men had no vestige of the frontiersmen about them. The elder was tall and sparely built; his hands, crossed behind him, showed no trace of manual labor. After his son's last remark he sighed and walked in silence for a moment. Then :

"Of course you must make provision for your wife, and, most probably, children; but I supposed you felt confident of being able to do this, or you wouldn't have married. Your practice is good, and growing. I see no special reason why you should covet this office."

"Why, father, it seems to me it's very plain to be seen why it would be a most desirable office. First of all, there's the salary—regularly—besides—other things. The work won't require all my time.

## IN THE FIRST DEGREE

Through a partner—on the quiet, you know—I could keep all the practice I've already secured. Then there's the advertisement it will be for me. One term as prosecuting attorney will make me known further and better than a dozen years of ordinary practice. It seems to me there's a multitude of reasons for accepting the nomination, if it's offered, or work to get it, if it isn't. I fail to see any reason against it."

The father looked straight at the young man, his face falling into stern lines, his eyes darkening. He stopped abruptly. "What sort of talk is this? Have you forgotten your mother's horror of capital punishment? I don't believe she'd live through it if, through your work, a man, or a woman, should suffer this penalty. Better do as she has often urged: go to the legislature, instead, and work for the repeal of this law."

"I know, of course, that mother has a prejudice against the death penalty."

"Prejudice! Your mother is as free from prejudice against *anything* as any human being can possibly be. For a lawyer, you are notably careless in your selection of words, or you have no conception of your mother's character."

"Perhaps it is not prejudice. I'll say she's too sympathetic—too tenacious of early impressions—too——"

"There's no need of amplifying. Yonder comes

## IN THE FIRST DEGREE

the effect of her too ready sympathy—of one of her early impressions. Can you look at your brother and then put yourself in position to enforce a law that may be instrumental in producing like consequences for other mothers?"

The young man's face flushed and paled, and he made no answer. Two other young men came from the house, across the lawn, and joined them. Of these two, the older one was much more like his father than either of the others. He was a trifle taller than the ambitious lawyer, he had the same steadfast eyes as his father, the same gentle, full voice, the same protecting, considerate air, as he regarded the frail, slender, inferior brother who walked with him. The youngest of the three, but for a certain family likeness, would never have been suspected of near relationship to his stalwart father and brothers. In comparison he was like a slim, quivering, pale green aspen growing beside strong cedars. His movements were uncertain, and every tiniest blue vein was outlined in his face, neck, and hands. And, most pitiful of all, there was a continually recurring spasm in his throat, as when the process of swallowing is interrupted by a violent hiccough. Strangely enough, this spasm did not interfere with speaking, except to cause a slight hesitation. One not looking at him would not know it was happening. Many persons are equally slow of utterance. He was talking and laughing as they

## IN THE FIRST DEGREE

came, and when they reached the others the older brother said, jovially:

"Listen to this, father, Dan! Paul says Frances and Lois will have to be separated with a barbed-wire fence if we can't manage some compromise about their clubs. There's a sparring match whenever they meet, concerning the merits of 'The Ladies' Own' and 'The Daughters of Endeavor.' "

"Ah! these clubs!" Dan exclaimed. "I wish Frances would drop it all. But how about the other little maid from school? Doesn't Mrs. Basil Drayton go to clubs nowadays?"

"Oh, yes," Basil answered indifferently, "but you see Laura has baby to tend, and she tries to help mother in the matter of arbitration. We left them at their wits' end as to how to keep the peace between Frances and Lois." And again he laughed.

"What's the trouble?" Dan asked, with a frown.

"You see," said Paul, in his hesitating way, the spasms catching in his throat at regular intervals, "it's about the close of the club year, and each one has been telling what superior subjects they have selected for next year, and what superior women they have to handle them. Each one insists that the membership of her own club is the cream of the town."

"So silly!" Dan said. "Seems to me, Lois ought to consider—"

"What, Dan?" Basil asked, looking his brother

## IN THE FIRST DEGREE

squarely in the face. "Come! Say why Lois should consider anything more than Frances!"

"Lois is in her father's house——"

"And Frances is in her father-in-law's house. Come, be reasonable! My wife is there, too. She doesn't expect any more consideration than she gives."

"Laura's older."

"She is a trifle older than Frances now, but when she first made the acquaintance of her saucy sister-in-law she was a year or two younger than Frances is now. The two have always been the best of friends. Laura says that Lois takes the place of her own young sister, and so she would with Frances, if allowed."

"That's all well enough for talk, but you know, as well as all the rest of us, that Lois is a pert, spoiled girl, and——"

"Ah! stop it! Stop it at once!" the older brother exclaimed, and the youngest of the three opened his eyes very wide, while his color came and went in swift waves, and the spasms in his throat grew quicker and more violent.

The father looked at Dan searchingly for a moment. "You may be right, Dan. Lois may be what is usually understood to be a spoiled child, but I'm sure you'll never find a more loving and generous girl than she is. Her sense of right, too, is developed to a high degree——"

#### IN THE FIRST DEGREE

Dan laughed as he interrupted: "Yes, her sense of her own rights. I'll admit she stands up for her own most valiantly."

"The rights of others, too. Lois is never unjust. I can fully understand how you feel towards your wife, but even in her favor you should not always condemn your sister."

"Oh, I don't condemn Lois, but it seems to me she ought to remember that Frances came here a stranger, and—— There, Basil, Laura's calling you! Let's all go in!"

So they all went, in answer to a slim, girlish figure on the side veranda, and a white-clad, two-year-old baby, who came stumbling across the lawn to meet them.

Basil Drayton caught up the child and tossed him in his arms. He was "Papa's baby," and "Papa's little man," and the clear, soft eyes of the child, dewy with recent sleep, were an exact copy of the young father's own.

Laura waited at the steps till the party came up. "How full of odor the air is," she said. "I think there's no place as lovely as this in the spring."

"Yes, it's a nice old home," her father-in-law answered. "Mother must come out before dark, and see how beautifully the borders of tulips are coming on."

The mother was sadly out of tone with her surroundings. The first impression she gave to observ-

## IN THE FIRST DEGREE

ing strangers was what might be experienced on seeing some beautiful plant, or tree, blighted; some fine mansion in ruins; anything lovely that had met disaster. Her hair, that lay in wavy abundance about her head, was snow white. Her eyes, of so dark a blue as to pass, in anything but a strong light, for black, wore the expression of the Mater Dolorosa. Her complexion was white and lifeless, more the color of a dead than a living woman. Instead of the plump matron that the mother of three grown sons should have been, she was fragile and thin, and her hands were mere skeletons. As her husband and sons entered, with a glance and a motion of her hand she brought Paul to a chair by her side.

The room was large and lofty. There were slowly-burning logs in the wide fireplace. Low couches and window-seats, and many easy-chairs, were scattered about. The place was the large perfection of home and coziness.

"Leave the door open, Dan!" Mrs. Drayton said. "Let us seem-like summer."

"Are you cold, Frances?" Dan asked, for as he set the door ajar Frances, who had occupied a window-seat, shrugged her shoulders, and, with a shiver, went and sat by the fire.

"N-n-o," she drawled. "I'll be warm here," and she looked into the fire with an expression of great self-sacrifice.

#### IN THE FIRST DEGREE

"I'll bring a shawl for you! Shall I?" And without waiting for an answer, Dan disappeared for an instant, coming in with a zephyr shawl, which he laid across the shrugged shoulders.

"Oh! are you cold, Frances?" Mrs. Drayton asked. "Close the door, Dan! Perhaps it is chilly."

"No! no!" And Baby Fred pushed a hassock against the open door and sat upon it. "Have do' open. Baby see out."

"That settles the matter," Mr. Drayton said. "The tyrant from No-man's-land will have his way;" and mentally he added: "It's just as well. Frances systematically opposes whatever seems pleasant to any other member of the family."

It was Sunday afternoon, and, as was the habit of the two married sons, they had accompanied the family home from church for dinner and the afternoon. There was no formality about these Sunday reunions, no pretense of entertaining. It was the one day of the week when all were free from care. Each felt him or herself at home, and at liberty to read, or rest, or talk, or to go anywhere about the house.

These Sundays had always been looked forward to with pleasant anticipations after Basil's marriage. His wife, native of another town in the State, had proved a most lovable addition to the family circle. She was so truly in love with her husband

## IN THE FIRST DEGREE

there was none of the petty jealousy that so often embitters the intercourse of young wives with their relations-in-law.

There had been no expectations of anything different when Dan brought his wife home, but Mrs. Drayton, so finely sensitive, felt, upon first meeting her second son's wife, that here was an alien, a personality entirely foreign to the life of the family. As often as there were disagreements between Frances and Lois, as there had been this day, she reminded herself of these first impressions, and she knew that assimilation with Frances was well nigh hopeless.

She had not seen Dan married. Basil and Laura and Lois went to the wedding, and all came home together next day. The father and mother and baby Fred stood at the door to receive them. As the party came up the walk, Mrs. Drayton exclaimed to her husband: "Oh, Frederic! What has our boy done? What sort of a common, inferior girl has he married?"

There was no time for answer, save by a sympathetic glance. The party was on the steps. The bride was welcomed to her new home with kindly words and caresses, but Mrs. Drayton turned away with an uncontrollable grimace on her delicate face, which Lois caught, and answered by a kiss, a pat on the shoulder, and a soft whisper: "Poor mamma!"

The perfume of the clothing of the bride was

#### IN THE FIRST DEGREE

overpowering. She answered the kindly words of welcome with an indifferent "Thank you very much," and in the same breath added: "Can I go to my room at once? I'm such a wreck! Traveling is simply ruinous!"

"Certainly," the mother-in-law responded. "Lois will show you." And as the two disappeared she turned to Laura, on the hearth-rug, caressing her baby. "You seem to have borne the trip very well."

"This little ride?" Laura answered brightly. "It was a pleasure. If I had been quite sure that Little Boy was not fretting you, I'd have been perfectly happy. Just the little change, you know. But mamma's glad to be home again!" And she fell to caressing her baby again.

Two hours later, when the family assembled at the dinner table, the bride, refreshed by rest and wedding finery, was vivacious, and, in a way, rather pretty. Mrs. Drayton had said no word of disapproval to any one after her first exclamation, but the impression had been made, and the great improvement in the appearance of the bride strengthened, rather than diminished, the idea of artificiality. Next day, when the house was quiet—no one at home but herself and the servants—she unwittingly overheard a conversation in the kitchen that proved how others, albeit they were humble folk, thought of her son's wife. Mrs. Drayton's servants

#### IN THE FIRST DEGREE

consisted of a family of three—husband, wife, and daughter. They were refugees from a border Southern State, where they were born slaves. They had drifted into Stillwater at the close of the Civil War, at about the time that the Drayton family chose this place for their home. Ezekiel and Cleopatra were anxious to find a place of service where they could remain together and keep their little Bett with them. Such a position was not readily found in a small town, but after repeated failures, and grievous separations, the whole family became domiciled with the Draytons, where, very shortly, it was Uncle Zeke and Auntie Cleo. Bett was companion, playfellow, counsellor, and friend of the children, while Cleo was a most excellent cook and general servant. Uncle Zeke proved a black genius about the new home that was building, and to these homeless ones it seemed like the old days in the South, before discontent merged into war, freedom, hunger, and wandering. To Mrs. Drayton, the finding of this family of vagabonds was an emancipation from all the drudgery incident to the continual changing of servants, and much of the every-day care of domestic life.

On this day she lay on a couch in the family room. Bett had come in softly and put a slumber-robe over her with gentle touch, and drawing the portieres, went back to the kitchen. As Mrs. Drayton closed her eyes she heard Cleo say: "Bett, dis

#### IN THE FIRST DEGREE

new Missus Dan ain't to be talked 'bout in de same way es Miss Laura ner any o' de Drayton folks. She's cheap truck—won't wash, now you all min' dat."

Then came the sound of Uncle Zeke lumbering over the kitchen floor. His mistress laughed, though tears welled over her cheeks, as there came to her in his high-pitched voice: "W'at's dat yo' say, Cleopatra? Yas, you all's right. Sakes alive! but it's a pity. Yo', Bett, w'at's dat yo' sayin' 'bout some stockin's?"

"W'y, right away this morning the new missus gave me a passel of stockin's. Here dey are. Did you all ever see sich trash in this house?" There was a pause, and from the half words and exclamations Mrs. Drayton guessed that they were examining Bett's acquisition.

"An' w'at was dat she said?" Cleo asked.

"That now she was married, all her stockin's must be of silk, an' dat de laundry at de school had not been fit to trus' with silks. Laws! to wear sech common trash es this, an' ter jump into silk. I don't want 'er old stuff. I'll done give it to dem niggers over by the railroad. Dere ain't no call fer me to wear sech stockin's. Dey're just real pore white trash stuff."

## CHAPTER II

"FATHER and I will not go to church this evening. I feel unusually weary. You and Paul go."

"I'm sorry, mamma," Lois answered. It was a peculiarity of Lois that in many ways she was quite childish, while the boys of the family, especially Basil and Dan, were sturdy, manly, and self-reliant —had been so from childhood. Even Paul imitated his brothers to the extent of his strength. The boys had laid aside with knickerbockers the names "papa" and "mamma" for the more dignified "father" and "mother," but they could not persuade Lois to follow their example.

As she and Paul left the house together Mrs. Drayton said: "Lois and Paul are quite as much alike in appearance as are the other two. I'm so glad!"

"Yes," was the answer, with a sigh. "In a way, it's quite fortunate. The relationship, or lack of it, has never been questioned, never will be, for lack of resemblance. I only wish Paul might have been as bright and capable as Lois."

"Since he is not, we must do all that we can to make up his deficiencies. I feel my responsibility

#### IN THE FIRST DEGREE

for them constantly. Sometimes I think I was too intensely proud of my first two boys. I had to have something to bear to teach me to sympathize with weaker women."

"My dear, if you had not been so intensely sympathetic, Paul would not be what he is, nor would we have had Lois as she is, quite our own."

"You don't regret Lois?"

"No! oh, no!—not as far as our own relation with her is the question. I don't see now—have not been able to see for many years—how an own daughter could have been more to us. But we would not have the same fear, the same responsibility, nor the same task, some time in the future, for our own that we have for Lois. I confess I shrink from the enlightening, some day, of the man who comes to marry her."

"Enlightening the man who comes to marry her?" Mrs. Drayton repeated questioningly. "I never dreamed of anything of the kind. That might be the means of undoing all we have done for her. She is ours. She is more than the equal of any man you or I have ever known, in all the qualities that go to make an admirable character. Whenever Lois goes out of this house as any man's wife she goes as my daughter. The good God knows, if He knows anything, that the travail and sorrow I endured in coming into possession of her, was more than I suffered in giving birth to our three boys."

## IN THE FIRST DEGREE

"Well, dear, I guess you are right, and I leave it with you to decide. I'll stand by whatever you say or do in the matter, and I'll stand by Lois."

There was silence for a few moments. The fire glowed cheerily, the shaded lamp in the farthest corner only served to warm and soften the atmosphere of the wide room.

The husband and wife sat on either side of a table drawn near the hearth, and the door stood open.

Suddenly Mrs. Drayton said:

"Oh, did you say anything to Dan to-day about running for the office of prosecutor?"

"Yes," was the drawling reply; "I tried to talk to him."

"Ah! you tried? What is happening to Dan? He isn't himself. I was always so proud of his ambition. I was glad when he decided to read law instead of going into business with you and Basil. I felt that my name for him would be justified, that he would really be Judge Dan some day. His mind was always so clear, he had such a quick perception of motive, and with it all he showed always such exceptional ideas of justice. I felt that in his hands the law would be fairly administered. But for some little time, now, I cannot clearly see the trend of his behavior."

"If he had not married—just now."

"Say if he had married differently. Dan is so

#### IN THE FIRST DEGREE

constituted that he is easily influenced by women. See how docile he used to be with Lois, and how fond he was of Laura! Now, though Frances is not nearly so attractive personally as either one of our other girls, not as bright nor generally intelligent, yet he is quite under her control, and is ready for a spat at the least discontented look of hers. I am sure he is being harried and worried on the matter of money."

"Do you really think so?"

"I am sure of it. Frances has no idea of any success in life save that gained by the show that money can make."

"Money is the great necessity; but Dan's doing well; and Frances was a poor girl, working in this girls' school, for—not much of a salary, and I've never heard that her people have helped her in any way, not even to a housekeeping outfit."

"No; she didn't come to us in the fashion that Laura did; but that's a small matter, something that can easily be pardoned, if she were not so domineering in so many ways; and she is determined to keep her own people in the background. What her reasons are I cannot guess."

"Perhaps it is best for all concerned if we make no further acquaintance with the Caylor family. There may be nothing really objectionable about them, and yet there are very few families that haven't something in their history they would most

IN THE FIRST DEGREE

willingly conceal—even ourselves.” And Mr. Drayton glanced smilingly at his wife.

“Yes, and we’ll conceal it, too,” Mrs. Drayton answered quietly. Then continuing, she said: “By the way, dear, this young Mr. Hale, who has been quite attentive to Lois lately—do you know anything about him? Where is he from?”

“I know next to nothing about him. I think he’s been here about a year. He seemed to be popular amongst the young folks, and, I believe, he has approached Dan with overtures for a partnership.”

“Oh! has he? Perhaps that explains his attention to Lois.”

Mr. Drayton laughed. “My dear, you are exceedingly worldly. I see no difficulty in understanding why any young man with eyes in his head should try to make himself agreeable to Lois. I don’t believe you know how pretty she is.”

“Yes, I’m well aware of her beauty; but this man Hale—the name, you know, associated as it is with the time of trouble. I must ask Dan to find out something about him.”

“As to that, Hale is a common name, and it’s not likely that this young fellow is anything to Governor Hale. That’s what you refer to?”

“Yes, and the fact that he is a lawyer, as Governor Hale was.”

“But Governor Hale was quite wealthy, twenty years ago. It’s hardly likely that a son of his would

## IN THE FIRST DEGREE

be so far from home, with no appearance of wealth, and looking up a partner as if he meant to locate here."

"I'm sure the young man is well born and well bred, and he may have very good reasons for living here. You see, there are some thousands of more or less reputable folks living here in Stillwater," and Mrs. Drayton laughed. "Do you think Dan will form a partnership with Mr. Hale?"

"I've no idea. It may be that his election to the office of prosecutor will have something to do with it. He will want to make some provision to hold the practice he has secured, and this could be done within the law with an honorable man."

"I feel that it would be a dreadful thing to have Dan in the position of prosecutor as long as the laws relating to the death penalty are as they are. I must talk to him."

"Better talk to Frances. You'll find she's the great majority in that house."

"I'll talk to both at the same time."

The gate was heard to open and close, quick steps came up the walk, voices in conversation were heard, and a rippling laugh floated on the still air; and then, bringing with them a breath of freshness, an odor of spring, Lois and Paul came in.

As they stood in the softened light they were much alike. The slender figures, the delicate complexions, the blue eyes, though those of the girl

## IN THE FIRST DEGREE

were several shades lighter than Paul's, which were a reproduction of his mother's—all these traits made them the typical brother and sister.

"Ah, you should have heard Dr. Milford's talk this evening," Lois said, as she seated herself on the arm of Mr. Drayton's chair. "I was so glad Dan was there. He wants to be district attorney, you know. Whether he ever is, or not, he'll know what one man thinks of some of the laws."

"But, Lois," Paul faltered, "Dan may be prosecutor and never have to deal with a murder case. You know, murders are not common in this county."

"Of course it may happen that way; but I'm sure if he goes into the office with such motives as I've heard Frances express, he'll have a bad time of it. None of the rest of the family approve of it. Dan's doing well now, and if he doesn't let well enough alone he'll be sure to turn out like the villain in the play and in the old-fashioned romances; now you'll see."

"What was Dr. Milford's subject?" Mrs. Drayton asked.

"His text was from the parable of the wheat and the tares. He read the whole story, and talked from it. Dan listened very intently; but Frances—oh, dear! I wish I could see anything honest or sincere about her!" and Lois left her place on the chair arm and impatiently threw her hat and jacket on the couch.

#### IN THE FIRST DEGREE

"My dear, take care!" Mr. Drayton said tenderly, as the girl moved a low chair close beside him. "Don't be unjust to this that seems like a 'tare' amongst us. We must try to understand her better."

"I think," said Mrs. Drayton, "if we could know something of her own people, preferably her mother, we would understand Frances. We would know in what degree these airs of superiority are justifiable."

"I cannot imagine any justification in any degree. They are simply insolent. A superior person has no need of assuming so much," Lois said emphatically.

"My dear girl," said Mr. Drayton, with serious deliberation, "perhaps Frances belongs to some very fine people. Perhaps her parents and brothers and sisters live in much better fashion than we do. That, with her, would mean very much. There's a great deal of wealth and culture in Montpelier. It's a fine old French town from which she hails. Who knows? It may be that her people are the best of all."

"Papa, you're joking! You know very well that if her people were not—something to be ashamed of, they'd have been at her wedding; or, better still, she'd have been married at her father's house instead of in a boarding-house parlor. Of course, the boarding-house belongs to her aunt, and—it's

#### IN THE FIRST DEGREE

common. Still, it must be better than her own home, only twenty miles away. I would like, just for my own satisfaction, to have a peep at her own home, and her father and mother."

"It isn't so far away. Why don't you go and see them?" Paul asked. "Go incog. Take some other name. Play you're a girl who went to school with or to Frances."

"Oh! I will! I'll be Miss Jones, Brown, or Robinson! I'll be a book agent. Perhaps Mrs. Caylor will patronize me. Frances has several subscription books in her collection."

"How jolly that would be!" and Paul laughed, while the spasms in his throat seemed to be quelled by his merriment.

"But what *would* Dan say, if he knew it?" Lois said.

"He ought to say 'thank you' to anybody who would look up matters that he should have inquired into before he married the girl," said Mr. Drayton. "It was my understanding, until just before the marriage, that Frances was an orphan, and had been provided for by this aunt."

"It was the understanding we all had," said Mrs. Drayton. "Really, I don't know how much or how little Dan knew of the family, but he had always been so capable of taking care of his own affairs, I never thought of inquiring closely. I never dreamed of him going into marriage in such blindfolded fash-

## IN THE FIRST DEGREE

ion. Long before there was an engagement between them he showed me a picture of Frances, grouped with some of the members of this school. He was acquainted slightly with all."

"By the way, mother," Paul asked, "how did Dan come to have so much time in Salem?"

"You remember he assisted a law firm in a case there. After that was over, of course Frances was the attraction."

"Oh, yes, I remember."

"Dan used to be amused by my reading of the photographs of his acquaintances whom I never saw. He showed me this group, of which Frances was one, and asked me, in a boyish way, 'What about them? Which one is my girl?' I read their faces, without knowing their names till later. I said of Frances: 'This girl is secretive.' Dan said: 'Yes, I think probably Miss Caylor is inclined to be reticent.' I told him that was not the word. She was secretive in the strongest sense of the term."

"Yes; and mamma, the real reason why she's so pugnacious is that she's determined to make a show of superiority. See the way she's treated our oldest and best friends! Oh, I'm going to find out her origin, now you see if I don't! I'll play no tricks, mamma—you needn't shake your head. I'll go sketching in the neighborhood of Montpelier. That's what Paul and I'll do next summer."

#### IN THE FIRST DEGREE

"Now that won't be bad at all," said Mr. Drayton. "There's beautiful scenery, two or three small lakes where there's fine fishing, and many other attractions in the county. We'll make up a party. There are club houses and hotels near the lakes, and we'll ask Frances to join us. I'm quite with you, girlie. I think we can make this still hunt for Dan's relations-in-law quite interesting and plausible."

## CHAPTER III

LAURA and Lois Drayton were walking leisurely along one of the most beautiful streets of the town. Maple trees of a quarter century's growth lined the street, shading the walks and a wide border of the driveway. The girlish mother and her girl sister-in-law trundled the cab of baby Fred ahead of them, picking dandelion blossoms from the grassy borders to keep his restless fingers busy. The two were deeply engrossed with their subject, but they were very congenial, and conversation never dragged between them.

"Has mamma said anything to Dan about this political effort?"

"No, I guess not, but she's going to. It'll be of no use—Dan'll do as Frances says."

"Yes, I suppose so. Such a shame, knowing, as she does, why mamma feels so strongly in the matter—— Look! Who's that coming out of Mrs. Dever's door? It's the first time I've seen a sign of life at that house! What a graceful figure!"

They were passing a house that was surrounded by wide lawns, old trees, and much ragged shrub-

## IN THE FIRST DEGREE

bery. About the borders of the ground there were the remains of what had been beds of flowers. The lawns were neglected, and strewn with the withered grass of many seasons. The walks were unswept, and overgrown with lichen, and about the whole place there was an air of neglect and decay. The house itself, with closed window-blinds, might have been unoccupied, but there was that certain air about it that told, in spite of forbidding appearances, that human creatures were within.

In the back part, on the second story, two or three of the faded green blinds were bowed, and a tiny plume of blue smoke from an unobtrusive chimney told of a slow wood fire.

As Laura spoke, Lois half stopped, and looked toward the house. Her fair, sensitive face flushed and faded by turns as she said:

"Surely, that's Nan! Poor, dear Nan! I wonder what has happened to bring her home?"

So intent was Lois that she stopped and stared at the figure coming down the steps of the veranda.

By her action the veiled woman seemed to understand that she was observed. She turned abruptly into a narrow walk that led to a side gate, and passed from view amongst the shrubbery.

"What does it mean?" Laura asked as they resumed their walk.

"You've heard us speak of Anna Dever?"

"Yes; the daughter of the queer recluse who

#### IN THE FIRST DEGREE

lives here. Let me see, what was it Mrs. Ames told me? The girl ran away, or married against her mother's wishes. Was that it?"

"Yes. At least she ran away. Nan was so beautiful! Do you know, we thought Dan liked her pretty well; but you know Dan. He's good-looking and entirely up-to-date. He was always popular with all the girls, and he and Nan had known each other ever since we were all children. Let's see, it's about four years since she disappeared, in the usual romantic way, leaving a note to say that she and Jack Hammel loved each other, and would be married by the time they were missed. Letters have come, so the boys at the post office told Dan, for Mrs. Dever, but it is not known certainly that they were from Nan. It is known, however, that no mail has gone from here to her. Everybody knows that Jack Hammel was not allowed to enter Mrs. Dever's house, nor Nan to go out with him; but in spite of that they met sometimes, and managed to plan an elopement."

"Did Dan mind it?"

"In a way, yes; but I think he was piqued at the way Nan had treated him—making him a decoy duck, you see. He and Nan had for some time been members of the Stillwater Dancing Club, and for several terms he had been in the habit of taking her to dances and seeing her home. Mrs. Dever was always very kind to him. She's a proud,

#### IN THE FIRST DEGREE

exclusive woman, and had never permitted Nan to go out with any of the boys, as most of the girls did, even while they were still in short dresses. She always went with Nan herself. At first, and for quite a long time, Dan walked home with both. Then he'd call for them to go. It happened, one evening, Mrs. Dever had to go somewhere to meet a church committee, or something, and Dan was left to take Nan home alone. So, gradually, the two were allowed to go and come as they pleased. They had been to a club dance on that particular last evening, and on their return Mrs. Dever received them, as usual. Everything was as usual. Next morning, while we were at breakfast, Mrs. Dever's Polly, who has been with her so many years that she has no other name that I ever heard, came to ask if Dan was at home, and if he was, to come and see Mrs. Dever at once. So in the course of the day we learned that Miss Nan had disappeared."

"Had no one suspected that she and Hammel were lovers?"

"Oh, yes; but they were never known to meet, excepting at parties, and places where there was no privacy, and occasionally they were seen on the street together. There isn't now, and I guess there never was, a girl in Stillwater who could create a greater sensation by running away with a lover than did Anna Dever; and people who know her mother

## IN THE FIRST DEGREE

best have not been in the least surprised that she has made a hermit of herself."

"She's been a widow a long time, hasn't she?"

"Yes; that is, she's supposed to be a widow. Mr. Dever went away on a business trip—oh, long ago, and never came back. It is supposed that he was murdered. Mrs. Dever has never lost faith in him. She always said that if he was alive he would surely come home."

"Was this man Hammel nice?"

"N-o, not nice. Jack was handsome, in a sort of brigandish way, tall, with dark hair, big brown eyes, and heavy dark mustache. I never fancied him especially. He always gave me the impression that he had but one suit of underwear."

Laura laughed. "Why? Wasn't he of cleanly appearance?"

"Y-e-s, but I had the impression, a sort of squeamish feeling, that the appearance was all. I never liked to dance with him. In some ways he was too familiar. Dan said I was cranky, and like an old maid, and lots of things like that; but one day Jack happened to join me on the street, and walk to the gate with me, and Boss Dan was quite sour about it—asked me if Hammel had got a new suit of underwear, etc. You see, nobody really knew anything about him. He said, in a large, reserved sort of way, that his people lived in Chicago. For all that he told, he might as well have located

#### IN THE FIRST DEGREE

them in Jerusalem. Sometimes he drank too much. Still, in many ways he was agreeable, and most of the young folks liked him. He was a salesman in Purdy's store, and was quite satisfactory, so they told papa."

They stopped at Laura's gate. "Good-bye, sweetheart! Kiss auntie," said Lois, as she stooped over the child.

"You won't come in?"

"No, dear; I must go home. Mamma hasn't been quite well lately. Come to the club meeting to-morrow—— Oh! how do?" and there was a quick rise of color in the dainty face as Lois raised her head from over Fred to greet a young man who was—not handsome in the brigandish fashion she had described.

"How do you do, Mrs. Drayton?" the young man said; "and how is the small captain?" stooping to pet the child. "You happy fellow," he continued, "to have two such attendants, while I walk alone! May I go your way, Miss Drayton?"

"Certainly; I'll be glad of your company." And the two walked away together.

Laura looked after them, a smile breaking on her lips and a twinkle in her eyes. She leaned over the cab.

"What oo fink, Mistah Fred? Little oo's going to have very nice uncle one of these fine days."

#### IN THE FIRST DEGREE

"Unca Dan nice, Unca Paul nice," lisped the baby.

"Yes, and Unca Phil Hale's nice, too, isn't he?"

"Nes, Unca P'il Hale nice, too. Baby dot many uncas—four, five, sic uncas."

That evening the topic of conversation in many of the homes in Stillwater was the return of Anna Dever; or was she Anna Hammel? Who could tell? It had been a nine-days' wonder when she went away four years ago, and now that she had returned to her old home it would be wondered about until the reason of her coming was known. Had she been invited home? If not, would her mother receive her?

Next day, at the meeting of "The Daughters of Endeavor," it was whispered about to the exclusion of all other news. Many times during the adjustment of business the gavel of the president came down sharply to still the confusion. When the paper of the day was in course of reading, the whispering grew so loud as at times to seriously annoy the reader.

All this talking was to some purpose. The mystery was solved. When the affairs of the Dever family were talked over in Stillwater that evening it was known beyond a doubt that the returned wanderer was staying at the Ross House. She had registered as Anna Dever Hammel. So she had not been sent for. Moreover, a certain reliable

#### IN THE FIRST DEGREE

person had seen her enter her mother's grounds, stand at the door for some time, and then go away. Her mother had not received her. When she returned to the hotel she was perfectly calm, had eaten her dinner with apparent relish, and expressed satisfaction with her room. Much of this was given out by Mrs. Marks and her daughter, who also boarded at the Ross House.

Next day the "Ladies' Own" held its regular session in the parlors of Mrs. Dan Drayton. Here again there was a confusion of tongues, and exchanging of news and notes and views gathered about the home-coming of Anna Dever. It was declared by numbers of her old friends that she should be called upon and taken into their midst again.

"But how will that suit the mother?" Frances Drayton asked.

"Why should anyone care whether it suits her or not? She has closed her doors in the faces of all her old friends and neighbors," said Mrs. Marks, president of the club.

"Of course," Frances assented; "but then one always likes to keep on the side of the respectable portion of the family."

"I see no reason why Nan is not as respectable as her mother," said Lois.

"Oh, my! After a clandestine marriage?" and Frances looked shocked.

#### IN THE FIRST DEGREE

"Dear me!" said Mrs. Marks. "The manner of the marriage was not to be condemned. It was the man that made it disreputable. Many romantic young people run away to be married, and some families are glad of it. It saves the expense of a trousseau and a wedding. I hope my girls will take it into their heads to elope and be married." And then Mrs. Marks took the streamered gavel, rapped for order, and the business of the day went on.

## CHAPTER IV

THE Draytons, as a family, were very sociable. Their family dinners and teas were of weekly occurrence, and Frances, the newest member, had taken her share of the functions, though it must be confessed that if she had plainly said she would rather not, it might have been more comfortable sometimes. The difficulty was, not one of her husband's family could ever reckon with exactness on the way they would be received. The hostess might be all smiles and suavity, the perfect housewife welcoming her husband's relations. Again, she might be sour and formal, yet scarcely formal enough to be polite.

On these occasions she was invariably in a quarrelsome mood with Dan.

If he resented her innuendoes, it was not in the presence of the family, save by frowns.

No one resented openly anything that Frances might say or do, but Lois. When Frances and Laura exchanged opinions on household matters, social usage, or fashions of dress, Frances always strove to belittle anything that Laura might say.

#### IN THE FIRST DEGREE

She talked down to her as is the manner of city people, sometimes, to country cousins. In this, too, Frances was needlessly brusque, and many times a harsh laugh or a disparaging remark, roughly spoken, brought the color to Laura's face and the tears to her eyes.

But Lois! One of Basil's familiar names for her was "The Masked Battery." Usually, she was all sweetness and sisterly gentleness with Frances, and she insisted that there was not the least affection in it; it was right and proper, and quite in line with her inclinations, to be upon the very best terms with her brother's wife. But if Frances trespassed on all the laws of relationship, to say nothing of ordinary politeness, must all the family sit silent as so many clams whose shell had been closed by the weight of the dignity of this new relation?

"Frances," Lois said on one occasion, "poses as an educator; but one of the faults of the average educator is that he or she seems always of the nature of a crawfish. In their anxiety to get other people forward they invariably go backward themselves. They associate so continually with their juniors and those who have not worn out quite so many textbooks as they have, they fall into the habit of thinking there are no other grown folks about. They try to treat the whole world as a kindergarten or a ragged school. Frances squanders too much time in trying to impress us ordinary Draytons with her

#### IN THE FIRST DEGREE

superiority of finish, as if we wouldn't have sense enough to find it out if 'twas really there."

After this meeting of the club in her parlors, at which her mother-in-law, Laura, and Lois had been present by invitation, there was a family dinner. Frances was not in one of her rare amiable moods. No one could give any guess as to the cause of her ruffled temper. She had been in fine spirits all the afternoon, but as soon as she was alone with the family she showed unmistakably that she was in a surly humor.

She was barely, and icily civil to Mrs. Drayton; only loftily conscious of Laura's presence; downright snappish to Lois, and little Fred was snubbed until his mother felt if it were not for making a scene outright she would take her baby and leave the house. Frances had not sufficient acumen to see that she should not thus have trampled on the feelings of people who had been bred above such behavior.

Through it all, while Mrs. Drayton sat, hurt and indignant, and Laura ready to cry, Lois remained serene. She inveigled Fred outdoors and walked all about the enclosure, from the door to the gate and back again, talking, laughing, and running races with him, till her father and brothers appeared; then went into the house with them.

She could not refrain from whispering to Basil: "The madam's got her war-paint on. Nobody

#### IN THE FIRST DEGREE

knows why. But wait! I won't say anything excepting in Dan's presence."

Basil laughed, drew Lois within one arm, while he carried Fred on the other, and so entered the parlor. He felt the chill of the atmosphere at once, and he saw that Dan felt it, too. Still, he greeted Frances affectionately, even stooping to kiss her, and remarking on the becomingness of her dress, and adding: "I'm the fellow who kisses all the girls," and followed with a caress for his mother and a tweak of Laura's nose.

The dinner was good, well cooked, and well served; but the manner of the hostess could not have been more forbidding. All through the dinner she never spoke one pleasant or cordial word. Apropos of nothing, she mentioned one of the members of the club who had reproved her daughter openly that afternoon. The girl, who was recording secretary, and sat by a small table, had absently tapped a drinking-glass with the metal of her pencil, whereupon the mother had said, "Mary, stop that!" And Frances added: "I never witnessed anything so ill-bred. A girl of her age and position to do a thing like that in a parlor!"

"But," Lois said, "she was absent-minded, and there was nothing being said. Everybody was waiting for everybody else to say something about the paper, and no one seemed to notice the tapping until the mother's reproof drew the attention of all

#### IN THE FIRST DEGREE

in the room to the offence, and the poor girl was *so embarrassed.*"

"So she ought to be, the ill-bred creature!"

"It seemed to me that the mother made the greater breach of the two," said Mrs. Drayton.

"What was she to do?" Frances snapped. "What was anyone to do? Someone must teach ill-mannered people, or endure their blunders."

There was a pause, and Lois shrugged her shoulders and drew her straight brows to a meeting as she glanced at Basil. "I suppose so," she said indifferently, "but how have the trainers been trained? Mary's action was not unpleasantly noticeable, while—well, it doesn't matter!" And turning to Dan: "How is the log-rolling coming on?"

"All right, I guess," he answered drily.

"What new slang is that?" Frances asked.

"That's not really slang," Dan answered, and smiled at his wife. "Surely you are deep enough in the clubs to understand political terms. Lois meant to ask concerning my prospects for a nomination next week."

"Indeed! If you fail to get this nomination through any lack of work, I feel as though I never could forgive you," Frances said severely.

"Oh, my dear," Mrs. Drayton said, "how can you wish him to have that office? Of course, a nomination, considering the strength of the party, means election. There's nothing else in the whole

#### IN THE FIRST DEGREE

list of offices to which Dan might aspire that would not be preferable."

"I do not see it so," Frances answered icily. "That is in Dan's line. He has some reputation, and the office of county prosecutor will surely add to it. Then the income will be certain."

"But Dan has plenty of business now, and there's no schedule of prices to control a lawyer's fees. Of course, these are governed by a man's experience and reputation. He can put his own price on his time and his services. Did I hear you say," turning to Dan, "that in case of accepting the nomination you would turn your business over to Mr. Hale?"

"I'll be obliged to let someone have it, and I like Hale. I think he'd be altogether honorable."

Frances shot a sharp glance at Dan.

"Probably you would better arrange for some leisure, that you may enjoy the growing attractions of Stillwater, and also have time for the renewal of old friendships."

"I don't know what you have in mind, I'm sure," Dan said, with a heavy frown.

The family had grown to feel no surprise at these covert hints and thrusts from Frances. They were likely to come into any conversation. Sometimes they were understood, oftener not, and Basil had discovered that usually Dan knew; but now he was sure that his brother was mystified with the rest.

#### IN THE FIRST DEGREE

There was a moment's pause, then Lois, with the most ingenuous air in the world, said:

"Frances' remark about the attractions of Stillwater sets me thinking. Seems to me, we Draytons are not very public-spirited. We haven't added anything that I can name to the attractions of the town for—some time—'cepting," and she turned to playfully caress Fred, "'cepting this wee boy of ours. He's an attraction."

Basil fidgeted in his chair, said "Ahem!" and no one but himself and Lois knew that her skirts had been lightly kicked across the space under the table; but Frances understood the remark, and her face was red as flame.

"Then, Dan," said Mr. Drayton, "if you are quite determined on this political move, I think we must each and all put up special petitions that there may be no murderers to prosecute during your term of office."

"I hope he'll do thoroughly whatever comes for him to do," Frances said severely. "I despise namby-pamby men."

"I, too, approve of thoroughness," Mrs. Drayton said quietly, "and I've never suspected Dan of the least negligence in his work; but, if he's elected to the office of prosecutor, and in the case of the worst happening, I do not see how he can conscientiously live up to the requirements of the laws."

"You see, mother," Dan said deliberately, "when

#### IN THE FIRST DEGREE

I'm prosecutor I shall not be working for conscience's sake, but to do the will of my constituents."

"Oh, Dan!" from Mrs. Drayton, and the father laid his salad fork softly on the plate and stared at his son with narrowing eyes, as if seeing him in a strong, blinding light.

Laura spoke: "That's a good joke, Dan; quite a take-off, really, but I believe I don't want Basil to go into politics. I'd rather he'd keep to his scissors and tape-measure."

"Of course," Frances rejoined loftily, "people who are not ambitious had better keep to trade. One can't possibly have any enthusiasm for mercantile work. There may be some money in it, and if there's a great deal, it's all very well; but I want Dan to make a position for himself and me, and plenty of money besides. This office will be a long step in the right direction."

"I'm not so sure of that, Frances," said Mr. Drayton. "There are many things to be considered when a man goes into politics. Dan knows how we feel in this matter. He knows, too, that we would so much rather have had him in the legislature, working for the repeal of certain laws, than to put himself in position to carry them out. I think that would have advertised him quite as much as the other, and in a much loftier, more humane way. It would have given him much experi-

#### IN THE FIRST DEGREE

ence that can be attained in no other position, as well as a wide acquaintance through the State."

"All this," Frances said, in the manner she might have used in speaking to a class of half-grown girls, "granting that he should be elected to the legislature."

"That's superfluous, and proves how little you understand the matter!" and Mr. Drayton's voice was sharp, telling plainly that his patience was sorely tried. "The one office is as accessible as the other, as Dan is well aware. He knows, too, the different feelings we have in regard to the two positions, and he knows why we feel as we do."

"Yes, I suppose so," Frances replied flippantly; "but I think it's all wrong for a man to allow family prejudice to hamper him in his way of life, so long as he means to be honest in the discharge of his duty."

"Well, my dear girl, if you only see it as family prejudice, it is useless to say anything more. Dan, that is the word you used the other day."

"Yes, I did. It seems Frances and I agree on some things—— But, I say, Fan," he added, jocularly, "I'm afraid I'm going to lose a vote or two right at home."

The party arose from the table as Frances said breezily: "Perhaps, but that will not materially affect your party majority."

## CHAPTER V

MRS. DRAYTON said they would go home at once. The weather looked threatening, and Paul had been complaining. She did not know that Paul was something of a diplomat. Within a very short time after he became brother-in-law to Frances Cay-lor he was convinced that she disliked him. He would not grieve his mother by saying anything about it, but Aunty Cleo understood it. So did Lois.

Paul, after one dinner and one tea at the new home of his brother Dan, found on future like occasions that he was not quite well, or something very pressing would keep him at home, even if the urgent matter was nothing more than some favorite dish that Cleo had arranged, at his request, to prepare for him that day. On this evening his father, mother, and sister came home early, to find the complaining one in a corner of the kitchen, at a little table, daintily set, Bett waiting upon him, and Zeke and Cleo entertaining him with stories of the old days in the South. In answer to his mother's anxious inquiries, Paul assured her that he was per-

IN THE FIRST DEGREE

fectedly well now, excepting he had eaten too many apple fritters.

Basil and Laura lingered, fearing to seem to feel the chill of Frances' behavior by going away sooner than usual. The brothers, with Fred, walked about the small lawn as they smoked. The two young wives were alone together in the parlor that looked over the lawn to the street.

"Mother Drayton makes me tired," Frances said scornfully. "This sentimentalizing about the prosecutor's work is all bosh!"

"I don't see it in that light," Laura answered gently. "It seems to me that if ever a woman had reason to object to the laws relating to the death penalty, Ma Drayton has."

"Why, did some of her people suffer it?"

Laura shivered. "Frances! You know!—haven't I told you?"

"You've never told me anything that would warrant this silly opposition to Dan's prospects."

"But you surely know—I'm *very* sure I told you why Paul is so unlike his brothers."

"Somebody—maybe 'twas you—'twas you or Dan—told me something about some unpleasant pre-natal impression. I don't remember just what it was; but really, that continual gasping and choking of his makes me sick. I'm glad he doesn't come here with the rest of the family."

"It is most unfortunate; but Paul has been so

#### IN THE FIRST DEGREE

kind and brotherly to me—he's so gentle, and affectionate, and the family hold to each other so devotedly, I would not hurt any one of them for any price; and I've grown not to mind this peculiarity. I feel so much sympathy for Ma Drayton, too, that no matter if I found Paul objectionable, I'd conceal it."

"I don't believe in so much self-sacrifice; and I think his mother must have been very weak and foolish to allow anything to affect her in such a degree as to ruin her child."

"On the contrary, Ma Drayton must have been very strong in her feelings and sympathies, or the child would not have been affected. You know, she's anything in the world than a weak woman. Her judgment is so clear, her mind so active, her experience so broad. Really, I find her the most liberally educated woman I ever knew."

"What college graduated her?"

"Now, truly," Laura answered, laughing, "I've never heard. I think most probably she never went to college at all."

There was silence for a moment. Then Frances asked:

"What had she to do with the execution that so affected her?"

"Nothing. That was the grief of it—that she could do nothing for the woman."

## IN THE FIRST DEGREE

"Oh, it was a woman! I've never known of a woman being hanged in this State."

"No, it was not here; it was East, or not far from the old home, and, of course, over twenty years ago. Paul's past twenty-one."

"What had she done—the woman?"

"She had killed her young stepdaughter."

"Such a fool as a woman is to marry a widower, especially one with children! Had she been married long?"

"Two or three years, I think."

"Had she children of her own?"

"Yes, one—a mere baby."

"What becomes of children orphaned in that way, I wonder?"

"In most cases, I suppose, they have relations who care for them, or they are wards of the State."

"This one, of course, had its father."

"Yes, and he gave the baby to its aunt, the mother's sister; and she, with her husband, and several children of their own, and this little unfortunate, went away into the Northwest, or Southwest, I don't remember which. Of course, one can easily understand she would not want to stay where she was known, after a tragedy like that in the family."

"Was there any doubt of the woman's guilt?"

"None whatever; but there were many memorials and petitions, signed mostly by women, sent to

## IN THE FIRST DEGREE

the governor of the State, asking for a commutation to life imprisonment. But after sending a committee of medical men to pronounce upon her as to sanity, he declined to interfere with the verdict."

"I don't see why women should expect to be shown more clemency than men. They know what the laws are, and they know the penalties."

"Yes; but human creatures can be very provoking, sometimes, and very weak, too. I believe as Ma Drayton does: if the proper provocation is offered, any one of us is capable of doing, in some form, anything that has ever been done."

"Well, since women are clamoring for all the rights under the laws, that men have, I don't see why they should ask for special immunities."

"Perhaps, after women have all the rights that men have they'll not ask for immunities, they'll simply vote for them, and have them for men as well as themselves."

"I suppose so; but I, for one, would not care to vote. I think it's only mannish women who do."

Laura smiled, though her eyes flashed. "That depends on what makes a woman mannish. To me, it looks more or less mannish, or at least unwomanly, for a woman to fail to be a mother. She proves her incompleteness."

"Of course; and these are the women who want the ballot."

#### IN THE FIRST DEGREE

"Not in my circle of acquaintances. I know women, very good sort, too, in a general way, but narrow and selfish, who say publicly that they would not care to vote on any subject. Two of this type live here in Stillwater. They've never made a home for their husbands. Neither one has ever borne a child. One married a widower with three or four boys and girls, for whom she has never lifted a finger. They've been brought up in schools and in the homes of relations. As openly as she declares her prejudice against the ballot for women, she says that she married her husband, but not his incumbrances."

Frances laughed. "That's a fair statement, at least. I guess I know her, and she's simply elegant —the swellest woman I've met in Stillwater."

"Quite elegant, I'll admit. No doubt you've met the other one, too, also childless; and she thinks it perfectly shocking that women should want to run the country through the ballot-box. She and her husband live in some rooms, somewhere downtown, and go out, here, there, and everywhere for meals. She tells, as if it was something to boast of, that when they have anything to eat in their rooms it is the husband who prepares it. This is usually in the morning, and she only gets out of bed at his repeated solicitations to go and eat the breakfast that he has cooked. To me, these are samples of mannish women, while real women, the

#### IN THE FIRST DEGREE

mothers of sons and daughters, realize their limitations under the laws, particularly where the ownership of property, and even of their children, are concerned."

"I never thought of the matter in that way, nor much in any way. If only the better class of women were allowed to vote—but I shouldn't care to go to the polls alongside my—kitchen girl, for instance."

"You might stand it, as long as Dan has the chance of casting his ballot in company with the colored janitor of the building where his offices are; and I'll wager a doughnut against a big pickled cucumber that your maid is more intelligent than any man of her social grade in Stillwater."

"Yes, I've no doubt of that; and generally, women's morals are better than men's. Oh, by the way, did you ever know Miss Dever?"

"Miss Dever? No; I know of her. She went away just a week or so before I came here to live. She's here now, for the first time, it's said, since she was married. Lois and I saw her the other day, leaving her mother's door. At least, Lois said it must be she."

Frances was about to speak, when, on looking out of the window, she saw Basil and Dan at the gate, and a woman, slender, and young, about to pass, when both men stepped out upon the walk and

#### IN THE FIRST DEGREE

greeted her with every appearance of meeting an old friend.

"I wonder who she is?" Frances said.

"Surely that is Miss Dever, or, properly, Mrs. Hammel! I didn't see her face the other day."

"She's handsome, isn't she?"

"Strikingly so. Basil must bring Fred in as soon as she goes on. The air is getting too cool for him."

Frances watched the beautiful woman at the gate, and her eyes narrowed; her lips were pressed into a straight line of dull red, and her whole body trembled.

## CHAPTER VI

"So you met your old sweetheart quite informally, did you?"

"Old sweetheart?" and Dan opened his eyes very wide. "What do you mean?"

"Oh, pshaw! How long has she been in town, and what's she here for? Of course you know all about her."

"You mean Anna Dever—Mrs. Hammel? She told me she had been in town a week, and expects to stay for some time longer. She's here to see her mother, I suppose."

"You suppose! Why should you suppose to me, when I know you were lovers before she ran away with Hammel?"

"If you know that Anna and I were lovers, you know a deal more than I do. What put that into your head? I know of Anna's visit here just what she told me at the gate. I knew she was in town; Lois told me she had seen her, and wondered if she had better call upon her. As for any love affair there was between Anna and myself, that's all rot. However did you get that crazy idea?"

## IN THE FIRST DEGREE

"I overheard it talked of this afternoon."

"Not by any of my folks!"

Frances elevated her chin, and her voice was sharp.

"No. *My folks* are very prudent."

"Frances, a little of such talk will go a long way with me. You've been acting like—Old Nick all evening, and I couldn't guess why. Now, out with the whole story! What was said, and who said it?"

"So you're bound to force a quarrel, are you?"

"Good Lord!"

Dan walked across the room, into the hall, and back again. He stopped a few feet from his wife.

"Will you tell me what you've been in a temper about all evening, or will you drop the whole business, and behave as a sane woman should?"

"There's no use of you denying that you and that woman were lovers!"

"I see there's no use of it. Have it your own way if you know more about it than I do."

"Mrs. Harris said to Mrs. Milford it would have been so much better for—she called her *Nan*, if she had married you instead of Hammel."

Dan merely grunted. "Anybody who ever knew Jack and me would say that. I believe it myself."

"Oh, you do?"

"Yes; and I'm not at all conceited. Jack Hammel was a stick, and I've never had reason to believe that he has improved. Four years ago, when

#### IN THE FIRST DEGREE

Nan ran away with him, I was scarcely of marriageable age. Of course, boys of twenty-two do marry, but I had no idea of it, and neither had Nan, that I was aware. There never was the least hint of love between us. We had known each other since childhood. She was only one of the girls in the same school where I was—one of the handsomest, as anyone could see. That's all there was of it. We went to the same church, the same dancing school, and later we were members of the dancing club. I used to walk home with Nan and her mother. Sometimes Nan and I were left to come and go alone. Mrs. Dever was one of the most careful mothers I ever knew."

The quarrel subsided as usual. Dan shrank from the acknowledgment that quarrels were growing to be usual, particularly after Frances had met any of his own family. In the first weeks of his married life he thought perhaps Lois and Laura were sufficiently childish to purposely vex Frances, but now, after nearly half a year, he knew that this was not the case. He did not like to confess even to himself that it was because of a carking jealousy on the part of Frances. He had married her, well aware, as he had said to Basil and Laura, that she was "not a prize beauty as to face, but her figure was faultless, and her manner simply superb."

Now, though her face was not homely when at its best, and her figure was round and trim, Dan

#### IN THE FIRST DEGREE

was beginning to discover that her superb manner was manner, and nothing more.

Her behavior was governed by no principle, no law of right, no kindness of heart, no loftiness of soul.

As time went on, Dan found himself wondering even to find her when not in her good behavior, in a mood to be even ordinarily polite.

For a month or two, while their own house was being furnished, they had lived at home. Friends of the family, old and young, had called, but not one ever received the slightest acknowledgment of the civility. In vain did Mrs. Drayton and Lois urge, in a kindly way, that Frances go with one or the other, or both, to return these calls. At last, when Dan, in the presence of the family, remonstrated, Frances said: "If you must know, then, I'll tell you that I'm not interested in these folks. I'm going to make acquaintances by and by, when I know more of the town, and decide who are worth knowing. I expect you to work with me in this. I want a circle of the very best."

Nothing was said for a moment. Mrs. Drayton, hurt and indignant, left the room. Lois, after waiting for Dan to reply, said indifferently: "Probably that will be the better way for you. Now there's Mrs. Keyes, on Minor Street, she runs a boarding-house something like your aunt's at Salem. No doubt you'd find her congenial. Of course, we

#### IN THE FIRST DEGREE

don't know anything about your own home. Probably if we did we'd not have made the mistake we have in importuning you to be civil to our friends. Dan, you can leave cards for Mrs. Keyes. You know her in a business way."

"Now, Lois, where's the use?" Dan said impatiently. "If Frances doesn't care to meet your friends, or return their calls, why should she?"

"No reason for it in the world. I was recommending a person who is not my friend, but who is in the same line of work as your aunt-in-law, and so likely to please Frances."

"I mean to know people of the very best grade," Frances snapped.

"Well, those things are largely matters of opinion. No doubt your aunt and Mrs. Keyes consider themselves second to nobody."

"My aunt is not obliged to take boarders. She never boards any but teachers and students. That is for the advantage of her children. They get many lessons privately that otherwise they would not have."

"Of course," Lois answered seriously, but Dan was ready to laugh, angry as he was, at the wickedness of her eyes. "The analogy grows. I overheard Mrs. Keyes telling in Mrs. Harp's millinery store that she only kept boarders for company. Oh, if ever I find it necessary to work for money, I'll

#### IN THE FIRST DEGREE

do it and be honest about it. Why should women be such silly pates?"

Dan recalled this conversation many times when he found cards of callers of whom he knew nothing. But Frances must choose her own friends. The difficulty was, it was necessary, in a measure, for her friends to be his, and for this he was scarcely prepared. He found it a little embarrassing, too, sometimes, when he was compelled to close the door in the faces of those he had known and esteemed during all the years of his residence in Stillwater.

Before his marriage, Dan had never given a thought to the social status of his father's family. There had never been any question about it. While not immensely wealthy, the Draytons were amongst the "solid" people of the county. They were unpretentious. The home place, while not so showy as many other houses in the town, looked what it was—a home. It was a home that had grown with the years. The furniture, the carpets, the pictures on the walls—all were in harmony.

The library showed itself unmistakably the steady growth of years, the valued treasures of book-loving and home-loving people.

It was after his marriage that Dan learned to understand the word "swell." If a person, an equipage, a house, or a function, met the approval of Frances it was because it was "swell."

At first the word amused Mrs. Drayton. By and

#### IN THE FIRST DEGREE

by it annoyed her. She began to discover that most usually, when Frances used the term, it was to express comparison and disapproval of the Drayton family or some of their belongings.

She saw more plainly, day by day, how different the girl was from anything she could have desired in a wife for her son. She could not understand how it happened that he had been attracted by her. She could see but little that was in the least womanly or lovable about her; but, as time went on, and she saw that Dan seemed to be the one of the pair most in love, she concluded that possibly it was this very crudeness, this challenging brusqueness, this patch and veneer of manner, that, by its foreignness to anything he had ever been accustomed to, had attracted him.

## CHAPTER VII

"THINGS seem to be coming Dan's way, don't they?"

This was Paul Drayton's remark to his father at the dinner-table one summery day in the first week in June.

"Yes. Dan has ability, and folks seem to be finding it out," was the reply.

"What is it?" Mrs. Drayton asked.

"The new road has engaged Dan as attorney, at a very liberal salary. There won't be much work, either. The road is short, there's been no trouble, no misunderstanding, that I've ever heard of. It looks like the merest matter of form for the company to have a regularly employed attorney."

"Still, there's always work of a formal kind to be done."

"Yes, but scarcely enough to warrant this; but it's their own affair, and Dan's. Complications may arise."

"I so wish that Dan would give up the idea of this office he has in mind," and Mrs. Drayton sighed.

"No use of hoping for that. He's committed to

### IN THE FIRST DEGREE

the party, and the convention meets on the tenth. Don't worry about it. We've said all that we can. Dan has the wrong influence at home. No doubt Frances thinks it'll be quite 'swell' for Dan to hold office."

"Father," said Paul, "I don't believe I can vote for Dan; will you?"

Mr. Drayton laughed. "No, Paul, I'll not vote for Dan, and I'll be glad if you don't. I'm sure Basil will scratch, too. It will make no difference in the outcome—he'll be elected without us."

"Papa, about this road," Lois asked. "It goes through Montpelier, doesn't it?"

"Yes; it gives Stillwater direct connection with several towns that we've heretofore had to make roundabout trips to reach. Are you going to Montpelier?"

"Now hear that! Who was it, only a few days ago, helping me in plans for a summer outing in and about Montpelier?"

"Oh, yes, I remember!" Mr. Drayton said, laughing. "Yes, it'll be quite convenient. Now let us understand the matter; are we going for the pleasure of the scenery, for sketching, for rest and recreation primarily, or is our first object to discover Dan's relations-in-law?"

"Let me see," Lois said thoughtfully. "The first idea was to find out what Frances had up her sleeve."

#### IN THE FIRST DEGREE

"Halt there!" Paul interrupted. "No slang; Frances doesn't understand it. Go on now, in plain English."

"No, I won't amend it. We understand, if Frances doesn't. I think we'll keep our first idea in sight. I think I'm a reincarnation of Columbus —same ilk. I do so enjoy tours of discovery—of strange people. If we rest ourselves, get fashionably sun-burned and mosquito-bitten, or make sketches, we'll put these into the lists of by-products of the trip."

"Lois is using a voluminous vocabulary for just a girl. Is it the clubs, mother?" Paul asked.

"Why not?" Lois answered for herself. "Within the last club year we've explained, by the aid of several standard encyclopedias, all the mines in the world, in two thirty-minute papers. In two other papers we disposed of the religions of the Orientals and the modern interpretation of them. Shakespeare we squandered a half hour with, and Goethe and Schiller we parcelled together."

"Such a system of cramming!" said Mrs. Drayton.

"Oh, mamma, we don't hurt ourselves cramming! We touch our subjects lightly."

"Yes, and Lois fires out her surplus ideas at us," from Paul.

"You don't think we're showing any symptoms

## IN THE FIRST DEGREE

of paresis, or other brain trouble, from absorption?" Mr. Drayton asked.

"You must do as I do, papa—give your extra ideas to somebody else. Auntie Cleo said the other day: 'Girls des learn new t'ings every day, an' done fo'git de old ones, an' leave 'em layin' roun' fo' workin' folks. I'se done got my ole haid stuffed full o' what Missy Lois done fo'got.' "

"That's not the case with you, is it, Bett?" Mr. Drayton asked, as in answer to the faintest tap of the bell the girl came from her corner to clear the table.

"No, sir; I hope not. I try to keep up with the times. What good would all my schoolin' do if I didn't?"

"That's true, too; and you go to clubs sometimes?"

"Yes, sir; our club's fine. Next year it'll be better'n ever."

"What's the name of your club, Bett?" Paul asked.

"It's name's 'Onward and Upward.' "

"Hi! That's appropriate, I'll believe."

"But, dear, about this road," Mrs. Drayton said. "Dan cannot engage in other business, nor even hold the business of the road while he's prosecutor, can he?"

"He's about to conclude arrangements with Hale, I think. That will make plain sailing for

#### IN THE FIRST DEGREE

him. The partnership will be in due form, then in due form dissolved, with an understanding. Men do these things, and, where both are honorable, there's no trouble. Hale will simply take possession of Dan's interests, his clients, present and to come, and no doubt he and Dan will occasionally hold consultations."

It was a few days later that, one morning, Lois, starting out on an errand, remembered some magazines she had promised to Frances.

"I'll take these with me, and get all the disagreeable work over in one trip."

"Lois!" Mrs. Drayton said reprovingly.

"Never mind, mamma, dear," Lois laughed. "One must be free to speak the truth sometimes."

"Don't you speak the truth with Frances?"

"In a way, yes; but you see it's a sort of fib we're all living with her. If she was not one of the family I'm sure we'd never speak to her—nor even know her."

"Perhaps if she was not one of the family she'd be more agreeable."

"Perhaps. She'll not have the chance to be disagreeable to me for very long this morning, I'm happy to say," and she went briskly down the walk, amongst the flitting lights and shadows of the over-arching trees.

## IN THE FIRST DEGREE

Mrs. Drayton watched her until she passed out of the gate.

"Seems lak no gal 'at evah comes hyah's half nice lak Missy Lois."

Mrs. Drayton turned to meet the admiring eyes of Cleo.

"Don't you think we spoil Lois, Auntie? You see, the one girl in a family of boys is likely to seem much nicer and prettier than she really is."

"No, *ma'am!* We don't spile lil miss. Nobody couldn't spile huh. Des w'at worries me is 'at dey ain't no man in all dis bressed world's good 'nough t' marry Missy Lois."

"We won't think of that for a long time, yet."

"Laws! Now heah dat!—an' ev'y man in dis town 'at ha'nt done got hisse'f married be'n t'inkin' 'bout dat same t'ing."

Lois hurried to her brother Dan's pretty cottage. As she passed from the gate to the door she came near saying aloud:

"How is it that everything about Frances has a trashy look? In a way she's artistic, and yet, whatever she touches takes on a slip-shod appearance. Auntie Cleo's right; she's all lopsided."

Within the next few moments Lois was to learn more of the history of her sister-in-law than she had discovered in six months of family life with her. She found the inside door standing open and

## IN THE FIRST DEGREE

the screen door fastened. She touched the bell, and stood looking at a window-box while she waited. Presently she heard a strange voice in the hall, and a strange, heavy step. Her thought was: Frances has a new girl. She turned as she heard the latch of the door drawn, and met face to face a large, florid, frowzy, middle-aged woman.

"I guess that hired girl didn't hear you," she said, and laughed, showing big, uneven teeth.

"Perhaps not," Lois answered, as she felt a chilly tremor creeping from her fingers to her shoulders.

"Is—is Mrs. Drayton at home?" and then, at the expression that passed over the woman's face, Lois wondered in a confused jumble of thought if she had gone into the wrong house. But no, surely. All about was familiar, but this woman; and, in a way, she, too, was not strange. There was an unmistakable resemblance. And Lois had a laughable idea of having one impression in Italic letters across her brain: *This must be Dan's mother-in-law!*"

Just as she reached this point the woman, smiling broader than ever, and putting up a big red hand to her hair, said: "No; Mrs. Drayton's gone out to see to her marketin'. Seems odd to hear Frank called Mrs. Drayton, don't it, Liz?" and she turned to a tall, awkward girl, who stood half-way down the hall.

"Won't you step in an' set down till she comes? Come right in the parlor. Frank says she uses it

IN THE FIRST DEGREE

every day, just like the biggest 'swells' "; and she held aside the portiere.

"So you are Frances' mother?" Lois said inquiringly.

Afterwards she told Laura that she felt she must have the confirmation of words to be sure she was not dreaming.

"Yes, I'm Frank's ma, an' proper glad I am to see my girl so well settled in life. I've jest be'n tellin' Liz it seems like a dream. I s'pose you're one of Frank's new friends?"

"I'm Lois Drayton—Dan's sister."

"You don't tell me! Well, now, you do favor him, don't she, Liz? I haven't seen much of Dan, as you call 'im. We on'y came las' night, 'bout eight o'clock."

"Oh, indeed! Was Frances expecting you?" Lois asked this because she had seen Frances in the afternoon and she had not mentioned her mother.

"No, indeedy, she wasn't expectin' us! There's the fun of it. Ye see, she wrote to us that Dan'd be'n app'nted attorney for the new road, and pa, he up an' tole Jap Sloper—Sloper, he's got some-thin', I don't rightly know what, to do with it—'at this Mr. Drayton, attorney, was our son-in-law. Then what does Sloper do but say 'at when we want passes to come and visit Frank we sh'd jes' let 'im know. I tole pa I'd let him know right away, fer I hadn't seen Frank fer nigh on to two year."

IN THE FIRST DEGREE

"You hadn't? How far is Montpelier from Salem?"

"It's on'y twenty miles; but Frank always had so many places to go, an', of course, we don't put on no style at our house, an' Frank's nothin' if she ain't swell. Her and her Aunt Lucindy—she's my own sister—jest suited to a T. An' pa and Sloper's always be'n great cronies in politics, an' so there's no kind o' trouble gettin' the passes. I told the conductor he might see me on the trains pretty reg'lar since my son-in-law was the lawyer 'at had all the road's business in 'is vest pocket. He seemed real tickled 'bout it, an' said of course he'd try to make me comfortable. I tolle Liz, of course he would. There's nothin' like havin' a pull. Frank's always so set up, it didn't surprise anybody 'at she'd married a swell sort of man; but I don't count on my other three doin' 's well."

"Frances must have been delighted to see you. I don't see how I could do without my mother for two years."

"Well, you see Frank's mighty independent. Laws! I think sometimes she c'u'd do without all her relations. She was glad enough to see us, but, ye see, she's so swell, she said we'd 'a' better waited till she came home an' helped us to rig up a little. But, laws! What do I care for fixin' up? A person's jest the same, anyway; an' if I ain't good enough to see 'er swell friends in my gingham wrap-

#### IN THE FIRST DEGREE

per"—and she smoothed the gingham over her knees—"I ain't good enough to see 'em when I go sweepin' roun' in the silk teagown 'at Frank says I ought to have."

"I'm sure you're right, Mrs. Caylor, and I'm glad I met you this morning in a dress of your own selection. I know you must feel more comfortable than if dressed according to some other person's taste. I must go now. I brought these books for Frances. I hope to see you again, and if you are going to be here for—a day or two, and Frances can spare you, you must visit with mamma for a day."

"Oh, Frank'll spare me, all right, on'y she says I haven't a decent dud to put on."

Lois laughed. "Never mind that, Mrs. Caylor. I agree with you in your ideas of dress. I'll see you again, and then we'll arrange a day with Frances and mamma. Of course your young daughter—Elizabeth, is that her name—will come, too?"

"Yes, that's her name, but she hates it, an' so we call her Liz."

"That's a shame! Elizabeth is a beautiful name!" And shaking hands most cordially with the two, she took her departure, wondering what Frances would say when she heard of the interview, and wondering still more how Frances would feel to introduce her mother to her new friends in Stillwater.

## CHAPTER VIII

To say that the advent of Mrs. Caylor in Stillwater created a sensation amongst the friends of the Draytons is stating a large fact in a very mild manner. More than one person outside the family had suspected the new Mrs. Drayton of veneering, but not quite so much. It had been readily guessed that her people were poor, else she had not occupied a small-salaried position in the girls' school in Salem.

Her own version of her history was that for seven years she had been a pupil in this very select academy. After her graduation, at the urgent solicitation of the principal, she had accepted a position in the school. This she had done the more readily because, in the good home to which she might have gone there was a delicate father, with but small means, and three young sisters to educate.

The ailing father and the sisters were easily substantiated, but Mrs. Caylor made some unlooked for revelations. She seemed to be proud of the "grit Frank showed" in working in Aunt Lucindy's boarding-house to pay for her board and tuition,

### IN THE FIRST DEGREE

but she was quite as proud of her other girls, who refused to become "Aunt Lucindy's nigger for a little book learnin'." And Mrs. Caylor would add, in a most self-satisfied manner, "My folks always was independent. Ef they tuk it into their heads to do a thing, they done it; an' if they set up not to do it, they was no use o' talkin'. I never quar'l with my girls 'bout goin' to school. Frank went, an' she's made a good thing out of it. Ef the others don't choose to take their Aunt Lucindy's offer, w'y jest as they make their bed so they must lay in it. Frank was allus up for bein' tony and swell, an' she's met up with 'er calkilations, an' pa an' I are mighty proud of 'er. You'd never ketch Frank roun' home ef she c'u'd be any place else earnin' a livin' an' puttin' on style."

While Stillwater society smiled behind its fan, it accorded more respect to the honest, illiterate mother than it had to the pretentious daughter. Too many times had Frances inadvertently shown her true colors. Too often had she given, apropos of nothing, her little lectures on correct usage. By her zeal she had made herself suspected as a late disciple of the cult of good breeding.

It happened one afternoon, when the club paper of "The Ladies' Own" had treated of the life and character of Dorothy Payne Madison, that the discussion following had turned upon the strength of mind, the ideal diplomacy, the womanly refinement,

#### IN THE FIRST DEGREE

that was expressed in the behavior of Mrs. Madison, both in her public and private life. Mrs. Milford was a guest of the club that day, and the meeting was at the home of Mrs. Marks, the president. When Frances arose to speak, she said:

"Madam President, is it not to be supposed that this refining of character may be achieved by the training we receive in our excellent schools? If not, I would like Mrs. Milford, our guest, to give us her opinion. Is there any better method to adopt to the end of producing character excelling in the attributes for which Mrs. Madison was famed?"

Mrs. Milford, thus appealed to, said:

"It cannot be denied that our schools, seminaries, academies, and colleges, exert a great influence in the formation and development of the character of our women. Development is surely the better word, because the fiber of the character, the germ of possibility, is there at birth. All circumstances but serve for the growth, and different material will develop in different ways under the same circumstances. So I would suggest that the most expeditious way to reach a high state of refinement is to inherit a character capable of taking on a high polish. I would have a character like our best household furniture—of solid material. If one is veneered by the mechanic, and the other by the schools, both will be found out, sooner or later. Neither one is genuine; both are cheap. Still, they

#### IN THE FIRST DEGREE

have their uses. Disaster comes when either veneered furniture or veneered folks are expected to fill the office of the solid article."

This little speech was recalled to the memory of every woman who heard it when she met Mrs. Caylor, or heard of her visit to her daughter. There were no formal nor informal invitations from Frances to her friends to meet her mother, and it would have been more diplomatic if there had been. Those who met Mrs. Caylor had a much better opinion of her than those who only heard of her. She could not be described so as to give a correct impression of her personality. Her new acquaintances, while astonished at her utter illiteracy, yet could perceive that her temper was kindly, that she was devoid of affectation, and was really an affectionate and lovable woman.

She knew so little of the world she could have no conception of any difference there must necessarily be between her own and her daughter's social position. All she understood was, "Frank's swell, and I ain't."

She was the sort of woman who is known amongst her neighbors as "motherly"; "good in sickness," and "fond of Sunday visiting."

Mrs. Drayton called upon her without invitation, since she knew she would not receive that civility from Frances. She also made a family dinner party, with Mrs. Caylor as the guest of honor.

#### IN THE FIRST DEGREE

This, which delighted the visitor, put her daughter in the worst mood possible. But, though the hostess and her immediate family were sorely tried by the temper Frances displayed, Mrs. Caylor was perfectly serene, even remarking at the table: "Well, Frank, if I wasn't used to your high-flyin' tantrums, you'd reg'larkly make me sick. But I don't mind 'em, an' Mrs. Drayton'll hev to jest look over 'em, too. As to how Dan's goin' to stand it, you'll hev to figger out for yerself. Yer pa'd 'a' raised Cain, sure 'nough, ef ever I'd 'a' acted like you. He's allus the one that hed to be humored, an' you're like 'im to a T."

Mrs. Caylor, glancing at the face of her son-in-law, had some doubts about the quality of "humoring" Frances was likely to receive at his hands, but Mrs. Drayton seemed to be inclined to follow the suggestion, and "look over" the vagaries of the temper of her son's wife. Her kindly, watchful family saw not the least sign of its usual effect upon her.

At the dinner-table Mrs. Caylor saw Paul for the first time, and after the meal was over she and Mrs. Drayton walked all about the lawns and gardens. This was ostensibly to show the visitor Uncle Zeke's methods, and many seeds and slips were promised, but really Mrs. Drayton made an opportunity to explain to her guest the tragedy that had made Paul the slim weakling he was, with the constantly recur-

## IN THE FIRST DEGREE

ring symptoms of being strangled. He was in every particular such a striking contrast to his strong, complete brothers.

Mrs. Caylor proved a most sympathetic listener. A mother cannot be so ignorant as to know nothing of the perils of the period of mystery, the time when she nourishes two lives, the days when she walks with the creative gods.

"So, dear, our summer trip is quite unnecessary," Mr. Drayton said to Lois in the evening, when they were alone.

"Yes, papa, and, as Mrs. Caylor would say, I'm 'proper glad' that we are in no way responsible for bringing about a meeting. How mortified Frances is continually, and how inconsiderate she is of her mother! I really cannot understand it—how these great differences come. How can Frances seem such a contrast to her mother? and how can she be so merciless to her sister?"

"Don't you remember what Mrs. Minor said some time ago at the club?" Mrs. Drayton asked.

Lois looked mystified and forgetful, and her mother continued:

"It was the day when Catharine Ray read her paper on the modern interpretation of reincarnation. If you remember, the discussion was quite lively, and Mrs. Minor said that only by believing in the reincarnation of souls could she understand

IN THE FIRST DEGREE

this particular thing—the vast differences there are in the mentality and character of members of the same family.”

“Oh, yes, I remember! So Mrs. Minor would believe that the soul of Frances is no relation to that of her mother?”

“And I should think if Mrs. Caylor should ever find out that that’s a fact, she’d be ‘proper glad’ of it,” said Paul very decidedly. “I’m very glad to know that I’m only her brother-in-law, and rather than be a born relation of hers, some time when I’m in the bargain department of the gods for a selection of another life, I’ll take the lot of Cleo’s son, instead, with all that it implies.”

## CHAPTER IX

"WELL, now 'at the convention's over an' done, an' Dan's as good as elected, me an' Liz'll go home; an' I jes' want to say to you, Frank, you'd better not be quite so upsettin' with Dan's folks. Course, Mrs. Drayton'll never say one word back. She'll jes' take it out in thinkin' how disapp'ited she is, an' what a nice *little* boy Dan was, an' how gittin' married sp'iled his temper an' kind o' turned 'im ag'in all 'is own folks. Then she'll take some comfort in thinkin' lots more o' Basil's wife than she'd ever 'a' thought o' doin'. But you jes' better watch out fer Miss Lady Lois. She can be awful sweet an' nice, an' look 't the way she's be'n with Liz. W'y, Liz's changed more with Lois Drayton's soft, purrin', pattin', encouragin' ways, jes in a week, than you'd change 'er in a ye'r, with all your snappin' bout doin' this or that, jes' to be swell. But for all Lois's nice, easy ways, I've heerd 'er give you some purty sharp digs, an' don't you fergit it! An' she allus does it right afore folks. I'll warrant you've never one word to tell Dan o' what 'is sister said when he wasn't by."

"Now, ma, there's no use of you preaching to

#### IN THE FIRST DEGREE

me. Lois is like any girl in a family of boys, and Dan can see it now. He didn't at first. Lois leads the whole family by the nose, from the old man down; but she can't pull the wool over my eyes as she does with Basil's wife, and she may as well know it. Of course Mrs. Drayton'll think less of me than ever now," and Frances paused as her face grew scarlet.

"Less'n ever now?" her mother repeated. "What for? 'Cause of Dan's nomination? You're crazy——"

"No, ma, Frank don't mean that," and Liz glanced frowningly from her mother to her sister.

"Well, what does she mean? That's what I want to know."

"She means 'cause you an' me ain't swell."

"Well!" Mrs. Caylor said emphatically. "I'll bet all I'm worth 'at Mrs. Drayton's never give it a thought. W'y, look at the way she's treated us! An own sister couldn't 'a' done more! An' that's how I know she's a lady, an' ef ever I've a chanst, I'll—well, I'll jes' turn *my* house, such as it is, upside down, an' inside out, fer her or any o' hern!"

"So'll I!" said Liz, and she studied her fingernails intently while she thought of the dainty toilet articles Lois had given her one day when she had admired the appointments on her dressing-table and had mentioned the fact that she had nothing of the kind, though Sister Frank had.

#### IN THE FIRST DEGREE

The half-grown, not-trained-at-all girl had readily fallen into many of Lois's gentle ways, and she seemed to read the difference there was between her habits of a young lifetime and her sister's coarse ambition.

After this visit of her mother and sister, Frances held herself more than ever in an attitude of defiance toward her husband's relations. If any one, or all of them, had made covert or open disparaging remarks about Mrs. Caylor she would not have been surprised. Her expectations were in line with her own character, and she could not understand the mistake she was making. She was uneasy. She felt she must have in words some opinion of her mother.

One day when she and Mrs. Drayton were alone together she adroitly led the conversation to her mother's lack of culture and social ambition, saying in conclusion :

"I think a woman needs to be ambitious. If she isn't, if she's easily satisfied, her husband follows her example. Ma never cared at all to be of account, and so, of course, pa had nothing to live up to. He just plodded along and made a living."

Mrs. Drayton answered gently, thoughtfully :

"I think, Frances, that your mother was not lacking in what you call ambition when she was young; but you'll excuse me for saying it, the wife of a mechanic who never rises to be a master of his trade

#### IN THE FIRST DEGREE

has little chance of gratifying ambitious ideas, particularly when there are several children. Your mother told me she had borne ten. I respect her as much as any woman I ever met. I think when she was your age she had cravings for social position, too. Your mother, Frances, is a disappointed woman, and one who has known much sorrow. That she has kept a sweet and kindly temper, in spite of the life she has lived, proves her strength of character. She's had more to bear than I have. My child lives. She has borne her losses better than I could have done."

## CHAPTER X

"LET'S go into the hotel parlor until the procession and the crowd passes," and Lois helped Laura lift the baby cab from the sidewalk to the long veranda of the Ross House. The hall door stood open, and the two placed themselves just within. Mrs. Ross came from the parlor.

"Come in, Mrs. Drayton—Miss Lois! Come in! We'll make room for you at one of the windows."

"No, thank you. Please don't disturb anyone," Laura answered.

"We came in to avoid the crowd, because of the cab. We cannot allow you to incommod your guests," added Lois.

But as Mrs. Ross insisted, they entered the parlor, and sat in a corner of the room until the street grew quiet. It was one of the demonstrations of the campaign. Dan Drayton and other "eminent speakers," according to the handbills, were to address the people in the afternoon at Lakeview Park, a pretty bit of woodland within the town, on the bank of the little lake.

## IN THE FIRST DEGREE

As the noise died away, Laura and Lois, thanking Mrs. Ross for her hospitality, started out. They were crossing the hall, when down the stairs came a tall, handsome, girlish figure. Her lace veil was heavily dotted, but Lois, glancing upward, exclaimed: "Oh, Nan Dever!" and clasped her in her arms as she reached the floor. "What's happened to your manners, you bad girl?" giving a shake to the black-robed figure she held in her arms.

"My dear Lois, you know—I discarded my manners four years ago. I went away without the formality of a good-bye, so why should I expect old friends to say 'how d'ye do' when I come back?" Turning to Laura, she continued: "Is this someone I used to know?"

"Basil's wife and baby Fred."

"Oh, I beg your pardon!"

"Pardon me—I thought of nothing but you. I guess Laura came about the time you went away."

"Yes," shaking hands with Laura and baby; "the cards were out for the reception at your father's a day or two before my own departure. It was an oversight of mine not to send regrets, but I was very busy."

"Of course," Laura said, falling into the spirit of her new acquaintance, "if ever a girl is busy, it's about the time of her wedding."

"Are you going out, Nan?" Lois asked. "Come with us, and tell me something about yourself."

## IN THE FIRST DEGREE

"I was only going for a walk—past the old place," and the dark eyes filled with tears. "It's on your way home, if you're going home."

"Yes, I'm going home. You'll go, too, Laura? —and we'll send for Basil."

"No, dear, thank you. I'm having one of his special dishes to-day for luncheon." And with a kindly leave-taking, she turned the cab in an opposite direction, leaving Lois and her old-time friend together.

"You and Mrs. Basil seem to be on very sisterly terms."

"It's more than seeming; it's real. Laura's one of the most congenial friends I ever had. But tell me about yourself—and Jack. Is he here?"

"No, he's not here. Poor Jack!" and Mrs. Hammel sighed. "His health is not—what it might be, and he's grown quite discouraged."

"Indeed? I always thought he looked—very strong."

"Yes, he looked strong; but we've been living in Chicago. I think the climate is bad for him—really, it's bad for anybody; it's vile. Jack's lungs never were strong, his mother says, though I wouldn't have suspected anything of the kind. I wanted him to go South, or as far west as Denver, at least. The doctors we've employed have usually advised California, but," she paused, turned her head half round, but still Lois saw the peculiar ex-

## IN THE FIRST DEGREE

pression that she remembered was her friend's way of recognizing a prevarication—"he says he doesn't like to take me so far from my mother—as if the number of miles could make any difference!" And she laughed, but it was not the laugh that Lois remembered.

At the moment Lois could think of nothing to say, and Mrs. Hammel continued: "I've been here four weeks, and mother refuses to see me. We might as well go to Jericho!"

"Nan, I'm so sorry!" and Lois slipped her hand into the arm of her companion. "But you see, your mother has been quite broken-hearted. She goes nowhere. I haven't seen her since you went away. You can see for yourself how neglected her place is. The market people use the gate into the alley at the back. Polly meets them at the door, and they never even step inside the kitchen, excepting when it is too stormy or too cold for her to keep the door open while giving an order or receiving supplies."

"Does no one see mother—not even Dr. Milford?"

"Not even Dr. Milford. I remember hearing him say, oh—fully two years ago—yes, of course—it was at Fred's christening, that he had called repeatedly, when your mother ceased going to church; and she's never gone since you went away; but he was always told by Polly that Mrs. Dever

## IN THE FIRST DEGREE

was engaged, and could not see him. Then he wrote to her, and she replied that she knew his intentions were kindly, but she could not meet her friends and ignore what had happened, and it would be extremely disagreeable to talk it over; so she had decided to see no one. Women friends have called repeatedly. Mamma and I called, with no better success. So we can do no more. But what has Polly told you?"

"Polly? Oh, poor old girl!" and Mrs. Hammel laughed, but dabbed her handkerchief under her veil—"she cried like a baby, and allowed me to stand in the vestibule. She said she dared to do no more, while she went and spoke to mother. But, though she cried harder than ever when she came back, she opened the door with the chain on—I heard it rattle—and she shook her head, then closed the door in my face. I'm sure I saw you that day, you and this new sister, and the baby."

"Yes, I remember; I was sure it was you."

"Jack's health is worse than ever this spring, and he insisted that if I made the effort I could make it up with mother; then we could come home, and he could be properly cared for."

"I fancy it was not an easy thing for you to do."

"No, it has not been easy; and I'll be honest with you—if it had been all for Jack's sake I wouldn't have thought of it for a minute, but, you see, at the other end of the story is mother. I'd like to be

#### IN THE FIRST DEGREE

forgiven for my own sake, and hers. I can work, and I can do work—enough to keep Jack and myself out of the poorhouse. I've had no intention of asking mother for help. But, even if she knows this—and if she's read my letters, she must know it—still, she's quite relentless."

"Anna, you don't mind—I'm sure you know I love you. Tell me what work you do."

"Surely; I do newspaper work. I'm the regular correspondent for one daily in Chicago and one in New York. I also write fashion articles, with my own illustrations, for a syndicate."

"And you do very well, do you?"

"Very well. If Jack could work, we'd get rich," and she laughed, and patted Lois's hand as it lay on her arm, "but it takes a good sum of money to take care of a sick man."

"Do you like the work?"

"Yes, I like it very much. It's quite easy for me. Do you remember Polly used to say 'Ef Miss Nan had everythin' in ekal quantities with 'er gift o' gab, what a smart girl she'd be?' I never had a chance to say one-half of the smart things I thought of until I begun this work. What a pity I didn't marry an editor, or a publisher of a paper!" and again she laughed.

"Yes, Nan, that would have been nice. Do you sign your articles and letters?"

"Yes, but I have a pen-name, or *two*, for that

## IN THE FIRST DEGREE

matter. When I write for some fine, high-toned ladies' journal, giving advice to girls, young wives, and mothers, et cetera, I am 'Alice Howe.' For those letters in the city papers I am 'Joan Stone.'"

"You are 'Joan Stone!' Well, wonders will never done ceasing! Here we are at the gate. Come in, dear! The folks are all at home for lunch—papa and Paul. Come in and see mamma. Let her coddle you. How Paul has laughed over the letters of 'Joan Stone.' Come—come! There he comes!" And Mrs. Hammel was drawn through the gate and up the walk. Half way to the house, Paul met the two. His face was glowing, his eyes dancing.

"Oh, Nan!" he exclaimed. "Pardon—Mrs. Hammel."

"No, no, Paul! The old name, please. You don't know how good it is to hear it. Kiss me, Paul! Just like old times! You and I've been sweethearts ever since you wore kilts and I was a long-legged hoyden, with my hair in a pigtail."

"That's true, Nan; and I always loved you more than any of the rest of the boys did."

"I believe that——"

"And, oh, Paul!" Lois interrupted. "It's Nan who writes the 'Joan Stone' letters that you like so much!"

"Yours, Nan? Why, Nan! They ought to pay you a thousand dollars for every letter!"

#### IN THE FIRST DEGREE

"But they don't, Paul; nobody ever did appreciate me but you."

The welcome within the house was none the less warm. Uncle Zeke and Aunt Cleo, hearing unusual sounds of hilarity in the family room, came edging in, in spite of Bett's remonstrance. Then Bett followed, and all exchanged greetings with Mrs. Hammel. So they called her, with broad smiles, and shiny eyes, but the visitor checked them:

"Say Nan, just as you used to, Auntie, Uncle. This is the first time, since I came to Stillwater, four weeks ago, that I've felt that I was really in the old place. I'm so glad to hear the old name again!"

"Wal, Miss Nan," said Zeke, "I allus did say dat nobody was zackly like you all, an' I'm mighty glad to call you des Miss Nan till de las' horn blows."

"That's right, Uncle! You and I were always fast friends."

"Yes, dat so. Laws! now I look at yo', you's des de same lil black-eyed gal 'at usen to play wid lil Paul w'en all de res done run off an' leab 'im."

"Oh, Paul and I? Of course. There never were two other such chums!"

"An' I reckon yo' done recomembeh w'en you-all went scootin' down de hill dar by de lake in Paul's lil 'spress wagon?—or has yo' done fo'got all 'bout it?"

## IN THE FIRST DEGREE

"Oh, Uncle!" And Mrs. Hammel and Paul shouted with laughter.

"Wasn't that a lark?" she said. "Both of us would have been drowned if you had not been there."

"Co'se you-all would; but yo' see ef I hadn't be'n gwine dah dat day you-all wouldn't gone, too."

"What was it?" Mrs. Drayton asked. "Did I know of it at the time?"

"Laws! yes. It was one day I was gwine fo' to get a hick'ry stick fo' an ax handle, an' hyah was Miss Nan jes' gwine home, an' Mista Paul 'lowed he's done gwine to de woods wid me fo' suah. Co'se yo' let 'im go wid me, an' den Miss Nan reckoned she'd go, too, an' she run in an' ast 'er ma, an' suah nuf, dey all went. Lil Paul was in de 'spress business dem days, an' dat lil red wagon went ev'ywha he did, 'ceptin' to bed. Dat day some time he'd ride, den Miss Nan she'd ride. Wal, we got to de lil woods by de lake, sho', an' Miss Nan she done ast me ef I recomembeh w'at fun dey all had in de winteh coastin' down dat same lil hill w'en dc lake was froze. Co'se I done recomembeh. Den I's huntin' fo' dat saplin', an' fust t'ing I knowed, I hyah a lil squeal, an' dere was Miss Nan an' lil Paul flouncin' roun' in de watah, an' dat 'spress wagon upside fo'most, an' floppin' 's if it gwine to cross de 'Lantic Ocean. I tell you-all de grass didn't git much higher'n it was w'ile dis

### IN THE FIRST DEGREE

ole niggah done some sma't fishin' widout no hook an' line. Den, jes' 's soon's dey was out, w'at Miss Nan do, but des laff, an' roll an' tumble on de grass, till I thought she'd done bust herse'f. An' she des tuk off some o' her clo's, an' some o' lil Paul's, an' den, ba'footed, she run an' race, an' keep goin' til we all was dry an' all raidy to go home. An' she say, 'Now, Unk Zeke, ef Paul git sick, I'll come an' take ca' o' him night an' day, an' I'll take all de money outeren my bank to pay de doctah.' I tell you-all, Miss Nan allus stood by her own se'f, an' done zactly w'at she promise."

"Seems to me I remember it," said Mrs. Drayton, "but Paul was not ill, I'm sure. A bath like that, on a warm day, shouldn't make anyone ill."

"No, co'se not," said Cleo. "An' Miss Nan, she nebber got sick. She's allus des lak a rubbah ball. She nebber got hu't. Seemed lak des de ha'deh she fell down de higheh she'd bounce."

There was great merriment over Zeke's and Cleo's recollections and opinions, and Mrs. Drayton said:

"It's something that way still, isn't it, Nan?"

Mrs. Hammel laughed, saying: "I don't believe I've bounced very high lately, but I've kept up a series of bumpings. I've never rolled entirely off the field."

"Perhaps the batting hasn't been sufficient to make you bounce."

## IN THE FIRST DEGREE

"Perhaps; but I've felt sometimes as if I was getting some pretty hard knocks," and a mist dimmed the laughing eyes.

"Never mind, Nan; you're young, and you're hungry," said Mr. Drayton. "If ever I find myself in a particularly pessimistic state of mind I consult the nearest time-piece, to see if I'm not hungry—— Yes, Bett, we're glad to get your call!" And in a minute they were seated at the table in the cool, old-fashioned dining-room.

"I'm glad we have a plentiful lunch to-day," Mr. Drayton said, as he glanced over the table. "When we have these political demonstrations there's always a busy day at the store, and we keep long hours. My dear," turning to Mrs. Drayton, "you seem to fully understand the situation."

"Why shouldn't I? Long ago, when we were young, one day when I knew you'd be especially busy, and scarcely have time for lunch, I prepared very scantily, and I was quite astonished at your sorrowful look when you saw the table. Then you told me, as folks say, gently but firmly, that if ever you were tempted to suicide it would be some day when you were hungry and tired, and found little to eat, and no time to eat it."

"Yes, I remember it. So now, Anna, apply the moral to yourself. Treat your stomach well if you want to keep yourself in good spirits and at peace with the world."

## IN THE FIRST DEGREE

"Dear me! I'm afraid my stomach will rebel at the Ross House after this luncheon! Isn't Auntie Cleo the very best cook in the world!"

"We think so," Mrs. Drayton said, "but we're so used to her. That makes some difference."

"It would make a difference that you would appreciate if you had to live in boarding-houses a while. So Dan's housekeeping, too? Is his wife as pretty as Basil's?"

"No, she is not. She's not to be mentioned in the same week with Laura for looks, nor for anything else," Paul answered.

There was a more or less indefinite protest, or consent, but what was not said meant more than what was said. Then Mrs. Hammel asked:

"Are you all going to hear Dan speak this afternoon?"

"Basil and I shall not have time," Mr. Drayton said. "Paul can go."

"Thank you, Daddy. I have some extra work on the books. Mother and Lois can go. I'll be generous, too."

"Yes, I think we'd better go," Mrs. Drayton said. "Won't you go with us, Anna?"

"Thank you, yes; I'll be delighted to go."

"Oh, I'm so glad!" Lois said. "And, Nan! Do you remember how you used to make Dan laugh in school, when he'd be showing off, reading an essay or something?"

IN THE FIRST DEGREE

"Yes; but it was usually by in some way drawing his attention to something, or making him think of something that had happened, or been talked of, before."

"I do wish you could catch his eye to-day, and make him grin in the wrong place."

"Oh, my! That would never do—to spoil his dignity when his election may depend upon the impression he makes in the opening of the campaign."

Mrs. Drayton sighed and shook her head.

## CHAPTER XI

THAT afternoon, going to the grove where the speeches were made, turned over a new leaf for Mrs. Hammel, or rather turned back to an old one that held very pleasant reading. She met old friends of her own and her mother's, who remembered when she was born. Girls and young matrons with whom she had gone to school greeted her warmly, but scolded her affectionately because of her behavior since returning to the town.

To all she had but one explanation. She remembered every one of her friends with too much love to risk a rebuff. She had heard indirectly of the attitude of her mother after her departure, but she could not have believed the actual state of the case without seeing for herself.

She told how she happened to be with Mrs. Drayton and Lois. She had been kidnapped on her own premises. True, there had been the most persuasive gentleness, and it had to be confessed that the kidnappers might need some assistance in ridding themselves of her, since she was one person in the world who recognized excellence wherever she found it, and hung on.

#### IN THE FIRST DEGREE

All was so like the old-time Nan Dever. She was assured countless times that she was the same bright, jolly, fun-loving and fun-making girl she used to be, and she would be allowed to make a recluse of herself no longer.

The original party of three had grown to a score or more, and had secured seats in a good position, where they were joined by Laura.

"I called for Frances," she said, "but the maid told me she had already gone, so she must be here somewhere."

They looked around, but did not discover the missing member of the family. Presently Mrs. Hammel heard a loud whisper in front of her:

"Yonder comes Mrs. Dan Drayton an' Mrs. Lew Kimball! My! what style these candidates' wives put on!"

From many things Mrs. Hammel had heard about the new Mrs. Drayton she wondered how much hard cash that lady would have been willing to pay to have heard this remark.

The two women thus commented upon made a pretty picture in the freshness of the June sunlight, in their new summer dresses, with hats and gloves to match. Lois and Laura, in their plain, tailored suits, exchanged significant glances. Another loud whisper was wafted to Mrs. Hammel's ears:

"I didn't know this was to be a full-dress affair."

## IN THE FIRST DEGREE

The answer was from a plain, middle-aged woman whom Mrs. Hammel knew by sight:

"Only for county officers' wives. You've heard Mrs. Kimball talk of what's expected of them."

"Yes; who hasn't heard her? I'm enough of a partisan to wish the whole ticket well, but I wouldn't grieve if Sheriff Kimball should fail to be re-elected."

Then Dan Drayton appeared on the platform arranged for the speakers. He was greeted by continued applause, and he turned from shaking hands with his colleagues to bow acknowledgments. In casting his eyes over the assembly he caught sight of his mother and her party, and bowed his family bow; then his face lighted up with pleased surprise, and holding his clasped hands at arms' length, he gave them a shake. This was understood and answered by Mrs. Hammel, with a laugh and a wave of color in her face.

"Dan's long-distance handshake," she said to Laura. "How well he looks, and how proud his wife ought to be!"

"I think she *is* proud," Laura answered, deliberately, but she did not say of what.

During the afternoon this remark was repeated many times, and by many different persons. It was plainly evident that of all the candidates on the platform, not one was as popular as Dan Drayton. For this there were many reasons. His father was

#### IN THE FIRST DEGREE

known in Stillwater, through twenty years of business life, as a man not only honest, but honorable. No other merchant held the confidence of the county as did Frederic Drayton. He had always been a staunch supporter of whatever would build up the town, and whatever was in line with the best thoughts and wishes of the best people.

His sons had walked in his ways, and while as boys they had never been known as goody-goodys; had not, as a rule, carried off the school and college prizes; had not become members of the church; still, as young men are judged, they were above reproach.

Dan would not give much time to electioneering. It was not necessary. Even if he and his family had been less popular, the strength and loyalty of the party would have carried him through safely. He would speak at some few places, easily accessible by rail from Stillwater; that was all.

Frances did not like this. She had not grown past a love of the pomp and circumstance of having a candidate hurry from place to place, to be met by processions with banners and bands of wind instruments, which escorted him to his hotel, or the place in which he was to speak. There at the right moment, it was her cue to pass into some prominent reserved seat while she heard herself called Mrs. Dan Drayton by women and girls, who marvelled at the elegance of her dress.

## IN THE FIRST DEGREE

These were the things that had impressed her as a child, and through her girlhood, and her life had possessed nothing to dim the glory of such an anticipation.

This day she had her first experience of standing in the limelight of her husband's popularity. She and Mrs. Kimball had timed their coming, and instructed Kimball to secure good seats for them, well in front, and close to an aisle. "We want to see as well as to be seen," said the sheriff's wife. "You'll find that the crowds always have a great interest in the wives of the candidates."

Sure enough, Frances heard herself spoken of in such terms as made the waving plumes on her handsome hat take an extra exultant quiver, and her languidly swaying fan wafted its perfume into the faces of those about her most generously.

But the brightest day that ever dawned has always some little cloud; some little breeze arises that is too hot or too cold for perfection. So Frances and her friend had but comfortably settled their richly rustling silken skirts, to the evident wonder and admiration of some of their immediate neighbors, when there came the unpleasant feature into the dream of reflected glory. Dan had accompanied the two women to the grove, and as they were seating themselves he was answering the greetings of the people. Then Frances saw him making his long-distance handshake. Wondering what it could

#### IN THE FIRST DEGREE

possibly mean, she followed the direction of his eyes. There, in "the whole nest of Draytons," she said mentally, and spitefully, "sat that Mrs. Hammel, or Nan Dever, or whatever her name is!"

Was ever anything more pointed? Why was this woman in her rightful place? True, Lois had spoken to her about coming to hear Dan's speech, and Frances, having in mind the program which she had carried out with Mrs. Kimball, had not seconded the bid of her sister-in-law for her society on that afternoon. Her first idea was, that coming into the grove with Lois and the rest would likely confuse matters. She might be mistaken for some other member of the family.

Now, ten chances to one, many of the country people would select that plainly dressed Mrs. Hammel for the wife of the popular candidate, Dan Drayton.

Plainly dressed Mrs. Hammel was, but her bitterest enemy never could deny her that peculiar air that is named style, tone, good form; it was native to her. Frances, watching her this afternoon, could not deny it. Mrs. Hammel was—"swell." Her plain serge dress, her plain black hat, were imbued with the personality of the wearer. They put on her own interpretation of propriety, of elegance. So, after so many ages, again Mordecai sat in the King's gate, and again Haman found all his honors but emptiness and vanity.

## CHAPTER XII

THE warm, still, odorous September days were on. There had been but the smallest hint of frost. The maples were slowly changing their hue of restful green to yellow, russet, and crimson; but it was merely the ripening of the full-grown leaves.

They were rivaling the colors of the fruits of the orchards and vineyards on the low hills and long levels of the farms all about Stillwater.

This slow departing of summer, and the slower coming of the cold, is nowhere so beautiful as in the Middle West and along the line of the State capitals of Ohio, Indiana and Illinois. This is the mid-region between the mountains of the East and the West. It is far enough south of the great lakes to escape the biting winds that sweep over them, and yet near enough for all the benefits accruing from the great bodies of fresh water.

The wide lawns of Stillwater, that in the early spring put on their verdure so rapidly as to have a seeming of undignified haste, and gave the thrifty householder an idea of aggressiveness, now lay in the autumn sunshine like beautiful carpets—soft,

#### IN THE FIRST DEGREE

silken prayer-rugs, worn to smoothness by the pressure of the feet of summer days.

"The days are too lovely for this never-ending grind of human life," Mrs. Hammel said to Lois as they walked in the shade of the maples. "I'd like to go to the woods and stay till the storms come."

"My dear, you're not practical. The season of camping out and of picnics is over. Look down past the most of these pretty houses. Where there are no high lattice-fences to hide the rear of the lots, you see carpets and rugs on the lines, refreshing themselves for the winter campaign. Where we don't see, we hear the swish of the brooms, and the steady strokes of the beaters. This speaks of cleanliness and thrift."

"Yes, it does; and it's enough to turn an earthquake loose amongst one's poetic sentiments to think of one-half the disagreeable work that is required to produce that ideal spot—home."

"But there are people who do this work, and are glad to get it, so as to live—even outside of the places they help to make habitable for people of finer tastes and smaller muscles."

"Yes, of course; but the people with the taste must boss the job, muscle or no muscle; there's the grief of it."

"But, I wonder if the people who clean the carpets and scrub the floors don't regret that ever they were born to such a life?"

## IN THE FIRST DEGREE

"My dear Miss Sentiment, no; they don't!"

"But, Nan—such a woman as we met just now! Did you ever notice faces like hers? So seamed and reddened and hardened; her hands rough and knotted, her very gait the motion of the toiler, slow or fast, still heavy; and that constant frown?"

"Yes, I've noticed thousands of them. Most of this class in cities are foreign born. Here, most of them are natives, if not of the town, of the county or the State, or some neighboring State. They've had all that you and I have had: homes to shelter, care through infancy and childhood, the public schools, and the teachings of the churches. They've used all these, just as you and I have, according to their natural abilities, or rather limitations."

"But, Nan, how is it? Now in our clubs—you know clubwomen are nothing if not reformers—we've had so much talk about our responsibilities in regard to this one class, the hard-working women."

"Yes, I know; and that's the feature in women's clubs that makes me weary. They seem to think they've formed a close corporation to rectify the mistakes of Omnipotence."

"No, not quite that. We try, that is, our club tries, to find out its own responsibility in the matter of the poor, and particularly poor women who work outside their homes."

#### IN THE FIRST DEGREE

"It never took me very long to discover my individual responsibility in the matter."

"And that?"

"To pay them their own prices when they work for me. If the price is higher than I can afford to continue, I say I'll not require their services again. If price and work suits me, I continue both; and when I have a cast-off garment that is usually much better than I ever see the worker wear, I give it to her. Ten to one, she pops it on the very next time she comes to wash or scrub, and it seems she believes she shows her appreciation of my generosity by getting the garment ragged and draggled as soon as possible."

"How is a woman to wash or scrub and not get draggled?"

"I don't know; I never tried. But did you ever see Auntie Cleo or Bett anything else than neat?"

"No, I never did. I never thought of it. Of course they're neat."

"It's the same way with women in other positions in life. A born slouch will be a slouch till the end of the chapter. It's in the blood, the bones, and the general make-up. I'm sure I'd know one, even after she's dead, and everything done to make her sufficiently respectable to tempt the worms. I've heard a woman who dabbles in literature say that she couldn't work—make stories, you know—excepting she wears an old wrapper, old shoes, and

#### IN THE FIRST DEGREE

lets her hair loose down her back. Judging by some work I've tried to revise for her, I think she must be in full dress all the time."

"You see, Nan, there's a great deal said about people who do the hard work not having time to cultivate their minds; and, it seems to me, if I had to wash and scrub and cook I wouldn't care much for anything else. I would not have time and strength to care."

"My dear, we always have time for what we care to do. These working people only labor a certain number of hours; or, if they do extra work, they get extra pay. Did it never strike you that if any of these folks could do anything else than the work they frequently do very badly, they'd be at it, and we might whistle for a washlady or a scrub-lady, and at last try our own talents in those lines? Then, too, if these people are not at work at the only work they can do, you'll see them idling away their time, women as well as men, and, likely as not, making trouble for themselves and the courts. Did you never notice how many Sunday fights there are?"

"Yes, I have; but, Nan, that's what puzzles me! These people ought to be better educated, more refined, than they are. Where does the responsibility rest?"

"With God, I guess; not with me, I'm sure."

#### IN THE FIRST DEGREE

"Oh, Nan! The old story, am I my brother's keeper?"

"No; the cases are not analogous—not quite. Cain was hedging. He was not going to answer questions that would incriminate himself or tend to degrade him. My case is entirely different."

"Nan, dear," and Lois laughed, "how you would shock some of the Daughters of Endeavor!"

"I wouldn't wish to shock them, if I met them; but, Lois, I cannot be a reformer, or play at the impossible. I'll take people as I find them, try to find out the trend of their character, study out the puzzle their Creator has made, if I can—but I am not good at puzzles—then do anything I can in the way of letting them study the puzzle of themselves for themselves. One thing the reformers do oftener than anything else is to put up their advice, or their restrictions, like a triple line of barbed-wire fence all about the persons who are so unfortunate as to fall into their hands for repairs. Advice should never be given excepting when applied for, and then only in homeopathic doses. I never take it even that way."

"But, Nan, when I see people, such as we've been talking about, doing things in a wrong way, I want to tell them how much better and more prosperous they'd be if they'd—do as—you or I would do the same thing," and Lois laughed as she squeezed Nan's arm.

#### IN THE FIRST DEGREE

"Yes, of course; but you forget that along with these slipshod ways there is usually a headstrong temper, a will that, if it cannot move mountains, can prevent you moving even a molehill. Amongst all the beautiful things and wise things that have been said by our greatest American poet, this one is the most comprehensive: 'All great achievements are the natural fruits of a great character.' I think perhaps the reformers had been after Longfellow for a contribution. Inversely, we know that if one achieves nothing that is great or good it is because there is no machinery for the work. If the woman we met can only work with a broom, a brush, a washtub and wringer, it is because the gray matter under her frowzy hair can conceive of nothing else. Her head is only a back kitchen, filled with things of that kind."

Lois laughed: "I begin to get some idea of 'Joan Stone's' inspirational moods. I wonder what my brain's filled with?"

"There's no necessity for it to be filled with anything but pretty accomplishments, and endeavors for the happiness of the home folks, and one more—a passably good-looking chap, who, like myself, is willing to 'take the goods the gods provide'; and, going one point ahead of me, he'll take Lois Drayton for better or for worse at the earliest possible date. If there ever comes the necessity for

#### IN THE FIRST DEGREE

you to work, you'll find out your capabilities, just as I have."

"But, Nan, you're a genius!"

"No, I'm not a genius. I have, perhaps, a certain faculty for stringing words together, of saying things that editors think will please their readers. If I couldn't do this, I'd be at something else—maybe washing and scrubbing, and on off days running the gauntlet of reformers. But what's happened to the world? The sunshine's all gone, and sure's I live, it's raining!"

"So it is! But we're nearly home. Put up your sunshade, and let's run."

## CHAPTER XIII

IT was a slow, steady rain, beginning in an unpretentious way, and continued without cessation for twenty-four hours. The ripened leaves were weighted with dampness, and very soon the walks were carpeted with them. Toward evening of the second day the wind rose, and something like a hurricane swept over the country. It seemed like a belated summer tempest, with thunder, lightning, and torrents of rain. All night the storm raged, and the wind was still blowing in fitful gusts when the light came on the third day. Towards noon the rain had nearly ceased, the wind dried the leaves, and then swept them from the trees and vines in clouds.

"Do you think the storm's nearly over, Uncle?" Lois asked of Zeke, as she leaned from the kitchen door into the shed where he was filling the bins with kindlings.

"Don't know, Missy. Yo' see hit's 'bout time fo' de fus' sto'm, an' wasn't it drefful? You-all'll see, w'en de clouds blow 'way, de house'll be lighteh 'n it's be'n since airyly in de spring, kase de leaves all done blowed off."

#### IN THE FIRST DEGREE

"We'll be glad to have it lighter than it's been for the last two days."

"I reckon it'll done clah off bime by. Dis wind's a clahin' off wind. It's des spyin' roun' to see ef de sto'm las' night done missed anything dat hit can ca'y off."

"Oh, is that it? I must go to the Ross House this afternoon, and if it keeps on raining you'll have to drive me over."

"Oh, dat's all right. You an' Miss Nan git mighty lonesome, seems lak, w'en you-all's pa'ted fo' a day or two."

Lois learned later that Miss Nan had not been lonesome, though she guessed from her manner that she would have dispensed most willingly with her company.

When Lois reached the hotel Mrs. Ross met her at the door, and, with an air of mystery, drew her into the parlor.

"Mrs. Hammel asked me to see you, and tell you that, most unexpectedly, her husband is here, and he's—not well, an' she'll be down in a minute and see you here, instead of in her own rooms." And Mrs. Ross bustled about, fidgeting the window-shades, examining the newly lighted fire, and dusting the center-table with her handkerchief.

"When did Mr. Hammel come?" Lois asked.

"Night before last; and however it happened, can only be guessed, but he missed the omnibus, and

#### IN THE FIRST DEGREE

walked from the station here. Came in dripping and wheezing and swearing, and he hasn't been out of bed since."

"It's simply dreadful, isn't it? And he's really ill?"

"Really ill," and Mrs. Ross nodded her head and folded her arms. "Threatened with pneumonia, so Dr. Mason says. You probably know he hasn't been well for some time—lung trouble."

"Poor Nan! But what possessed him to come?"

"Ross says the devil," and Mrs. Ross laughed, and pulled her brows into a frown. "You know Ross always speaks his mind."

"Yes," Lois knew it; and then there were quick steps on the stairs, a soft rustle of skirts, and in came Mrs. Hammel, with great cheerfulness of manner. But the purple crescents below her eyes told a story that contradicted this exuberance. Mrs. Ross arose to leave the room, saying:

"Now I guess you won't be disturbed. I'll go up to your rooms and leave the door open between. If Mr. Hammel wants anything I'll see to him."

"Thank you, Mrs. Ross, but he's just had his rest powder, and will probably sleep. I was so surprised!" she continued, as Mrs. Ross disappeared, "but I might have known what would happen. Whenever Jack's not quite well, no one can manage him but me. His mother might as well talk

IN THE FIRST DEGREE

to a jumping-jack; and lately he's had a very bad spell."

"Did you tell me you were living with Jack's mother?"

"Not that I remember. We've had other and more interesting things to talk about than my domestic affairs. But that's what we've been doing. After Jack was ill, three years ago, until I got to work, we could have lived in no other way, excepting in the county poorhouse. All his folks have been very good to us. His mother is one of the kindest women I ever knew."

"She ought to be kind to her own."

"Yes, of course; but her own had no sort of business to marry when he knew he could scarcely make a living for himself."

Lois looked out of the window, for once ill at ease with her friend. She felt that Mrs. Hammel was not herself. She had probably been shamed and embarrassed by the coming of her husband. No doubt she was hindered in her work by his presence, to say nothing of his illness.

Lois said: "Hasn't it been a tedious storm? Doubly so after the weeks of lovely weather."

"Yes, I suppose so. I've scarcely known anything about the weather since Uncle Zeke brought me home on the first rainy evening. I felt like work. Our talk had crystallized a lot of floating, nebulous ideas, some of which had been left over

#### IN THE FIRST DEGREE

from cutting and making a lot of articles and stories. I worked quite late that night, and was just putting things to rights when Jack came. It's a good thing I was up and wide awake. He was soaked through from the outside with rain, and from the inside with bad whiskey."

Lois started and looked shocked. Mrs. Hammel laughed.

"See what a woman of experience I am. I don't even bother to hold my tongue and let someone else tell you that I'm too green or too blind to know a tipsy man when I see one. If there's any one thing in the world I despise more than another, it's a woman who lies to cover a man's sins. It's more than I can do for my own."

"Oh, Nan!" And Lois leaned forward and clasped the pale, slim hands. "So you've had that vice to bear with, too?"

"Yes, along with my other blessings that insist on turning seam side out." She stopped to laugh as she patted Lois's hands.

"Several things that have happened to me within the last few years have reminded me most forcibly of a very pretty little umbrella I had when I was about—fifteen. It was so delicate and genteel. I felt as your sister Frances says, 'too swell for anything,' with my umbrella neatly wrapped and strapped, on days when there were only symptoms of rain. But when the winds rose and the floods

#### IN THE FIRST DEGREE

fell, then did that deceiving beauty either turn itself wrong side out, or let the rain through on my most cherished millinery. One day, when I was leaving your house, I met Uncle Zeke at the gate. It was beginning to rain a little and to blow a little. Uncle very gallantly opened my umbrella for me. When he felt the small weight of it, and saw how neat and pretty it was, he said, 'Tell you w'at, Miss Nan, yo' done got a daisy umbrella!' In the next minute the breeze turned it up like a cup—made it a daisy, sure enough. I laughed until, by the time I reached home, I was quite hysterical. I think of that falsifying umbrella a great many times, and moralize over it."

"But, dear, not all your blessings show the seamy side; some of your friends, for instance, stand by you in the storms."

"Oh, yes, indeed! But, really, I've never had anything to call a storm. My troubles have been more like the first evening of this 'spell of weather'—just drizzly and disagreeable enough to beat out my bright prospects, as the rain stripped the beautiful trees of their garments."

"I'm glad your mother-in-law has not been a weak umbrella."

"No, she's no relation to that umbrella; neither are any of the rest of the Hammels, save one who shall be nameless. They are all much more respectable than Jack and I. Pa Hammel is a master

#### IN THE FIRST DEGREE

mechanic, and is very highly respected. One son is a doctor of medicine, and another has a large notion store. Two sisters are married, and in very comfortable circumstances. The youngest of the family, Beatrice, was graduated from a high school two years ago, and she's teaching in the public schools. Jack's mother is very philosophic and cheerful, and frequently makes funny speeches about him when some women would be crying their eyes out. One night, when she and I were watching with him in an illness brought on by dissipation, she said she supposed she oughtn't to grumble, though it was pretty hard to have a respectable family stained, but she had noticed that 'there is no flock, however well descended, but one black sheep is there.' I told her it was a shame to travesty that beautiful poem. She said Longfellow spoke from his point of view, she from her own."

## CHAPTER XIV

IT was the last Thursday of September, the opening of the club year of "The Daughters of Endeavor." Lois called for Mrs. Hammel to go with her. The society was to consider the conditions of laboring people, and try to formulate some methods of bettering them. There were to be some special efforts in behalf of the class that find it necessary to put their children to work as soon as they are of lawful age, in spite of the fact that the education of the children is not at all what it should be.

Even in so small a town as Stillwater there were people so poor as to be more than willing to send their children to the paper mill, the starch factory, the woolen mills, and the retail stores, to work for eight, or ten, or twelve hours out of the twenty-four for the sake of the few dollars paid them. It was this class, and a few families that always had to depend upon charity, that "The Daughters of Endeavor" wished to assist to better their condition.

Mrs. Hammel said her husband was quite com-

## IN THE FIRST DEGREE

fortable, and she would go to the meeting. She was interested to know what the women would say, and she had been asked to give her ideas concerning women's clubs in a syndicate article. It was all in the line of business.

The first hour of the meeting was occupied by picking up the business stitches of the club and receiving the congratulations of the president and each other, that they came together in good health, and not one member had passed irretrievably from their midst since the last meeting in May.

Next in order was the paper of the day. The reader advocated the establishment of industrial schools for girls of from eight to sixteen years, or older, and outlined a stupendous plan for disposing of the surplus time of children, especially girls. When the paper was finished it was discussed under strict parliamentary rules.

The member to open the discussion was Mrs. Mason—Mrs. Dr. Mason her cards were engraved, because she was the wife of Dr. John Mason. She was fair, florid, and showily dressed. She was noted for her style, her elegant poses, and her piety. She thought eight years was too young to put a child to learning to sew or do any kind of work. The schools might be held to account by the laws regulating child labor.

"But," a slim, trim, dark woman, Mrs. Simcoe, hastened to explain, "this is not labor. It is simply

## IN THE FIRST DEGREE

training for future usefulness. Now when I was ten years old I could make my own dresses, and I could also cook a good plain dinner, thanks to a New England mother."

"Madam President!" came a girlish voice from the far end of the room, "I would like to ask the member if she makes her own dresses now."

"No, Madam President, I do not. Dresses are much more difficult now than when I was a child."

"Madam President!" and a gray-haired, dark-eyed woman arose. "Are the children in these schools to be taught all branches of domestic work? Will they be expected to learn cooking, whether they wish to or not?—and sewing, even though they'd rather shoe horses?"

The president arose, asked the first officer on her right to occupy the chair, and replied:

"I think the object of the industrial schools is to teach little girls, or big girls, as the case may be, to be well-trained, all-round useful women. Since women must do so many things that are distasteful, in many instances, it seemed well to teach them how to do all things pertaining to the ordinary woman's life in the most approved way."

"Seems to me, Madam President, and ladies, that this will cause a great waste of time." This speaker, Mrs. Moss, had a strong voice, strong, clear-cut features, and a tall, symmetrical body. "This is an age of specialties. I wish I had all the

#### IN THE FIRST DEGREE

time I wasted in learning to sew seams and knit stockings. I was compelled to learn them, by another New England mother, and I did, with many tears. I had to fill certain spaces of time in sewing long seams. Oh! I could have curtained the heavens with the cotton cloth I sewed, sometimes with a running stitch and a back stitch, sometimes with overcasting, sometimes with hems and fells. See how I remember my tortures! The knitting was as bad. I'd fill the allotted time, then, wrapping my smarting fingers in my little soiled handkerchief that I had hemstitched, I'd take Fox's 'Martyrs' from the bookcase and read some of the worst ones. One day my father looked over my shoulder, and I paused and raised my tear-stained eyes. 'Daughter,' he said, 'did any of them have as bad a time as you're having?' I sighed, and spoke my little thought: 'I don't know—they died—in a few days.' He laughed, and shot a peculiar glance at my mother. It was a long time before I understood why he was merry while I was so miserable. I think, and I speak as a woman, as a mother, as a physician, that if we are going to try and help people who seem to be unable to help themselves, we would better study their capabilities—try to discover the trend of their powers, and then teach them to, in a measure, understand themselves, and let them work out the problem of their own lives on their own plans."

#### IN THE FIRST DEGREE

"Madame President!" said a pale, sentimental-looking woman. "I do not agree with the last speaker. Many of these people are too weak mentally to think for themselves. We must think for them, and act for them. Sometimes I wonder what our Heavenly Father thinks of us, who are strong and sound, that we neglect to help those who are weak and inferior. I feel that in these schools that we are trying to establish the work cannot be too comprehensive. We must teach these poor children how to be self-supporting in many ways, so that if one way fails they can do something else equally well."

The next speaker, Mrs. Macy, was a woman who, as her neighbors said, "has good sense, and knows the world and the folks in it." She said that she was not sure that she could consistently advocate this all-round education, instead of specializing. How could these weaklings be made over into universal geniuses? "Not long ago," she said, "I was East to visit an aunt who lives in the old home of my grandparents. In the basement, or, more properly, the cellar, I saw the kettles for boiling soap, and the candle-moulds that my grandmother used when she made up the—means of purifying and lighting her house from year's end to year's end. My aunt said that when she was a little girl she had to learn to do these things, and sometimes she grew so rebellious she felt like up-

#### IN THE FIRST DEGREE

setting the big kettles, either of tallow or soap. By the time she was grown, the work had been taken up by men. They had studied out more rapid methods."

"Yes, and made money by them," said Mrs. Moss. "Women, nowadays, would better be utilizing their wits on some sort of invention than toiling over the hard work that their foremothers died of."

"Madame President!" It was Mrs. Milford who spoke. "Speaking of making candles in the old-fashioned moulds that used to be found in every house, reminds me of 'dips,' and also of the first and last of the abominations I ever saw. It was when I was a little girl. My sister Rachel had married into a New England family, and lived about twenty miles from home. She had been away a few months when our mother was taken ill, and Rachel came home for a few days. She made an inspection of the house, and found that the stock of candles was nearly exhausted. We were living on a farm, four or five miles from the village, and it was a very busy time. Of course, there were all the inconveniences in the house for moulding candles, but Rachel said she'd make some 'dips.' Presently she had a kettle of tallow melting on the kitchen range. While waiting for it she looped some lengths of wicking on a smooth stick. Then the kettle was carried out and placed in the shade of a cherry tree, and Rachel sat by it and dipped

### IN THE FIRST DEGREE

those wicks into the hot tallow, then held them out until it should cool and form a crust; then dipped them in again. It was in the early days of September, and you may guess the cooling process was not rapid. I sat watching her, and taking care of my little brother. Father came by, and he stopped to look at the manufacture of candles by dipping. I saw a smile in his eyes, and by and by he said: 'Rachel, is this one of the smart Yankee tricks you've learned of your mother-in-law?' and Rachel answered meekly, 'Yes, father.' 'Well, my girl,' he said, 'I think if they had tried Job with this work, results with him would have been different.' I did not then understand the joke, but Rachel looked shocked as she laughed. Later in the day I called my brother to see the forlorn little 'dips' hanging in the tree. I told him about the process of making, and also that father said Job would surely have sworn if he had to make candles. Since then I've thought much of the useless work that women have been compelled to learn, as if it was a part of the scheme of salvation. Some of this work is as tedious as dipping candles, and not of as much use when done. I agree with the member who advocates the study of the capacities of our pupils. Let us first educate ourselves in this particular, so that we may not set tasks that are useless and institute tortures for our fellow-men."

#### IN THE FIRST DEGREE

"Madam President!" It was Lois who spoke. "This question is much too large for me. I had no idea how many views might be taken of so small a matter as to teach or not to teach a little girl to sew or cook, or dust a room, or wash dishes. In the face of all the wit and wisdom brought to bear on the subject I am silenced. But we have an old friend amongst us to-day, one who is interested in these matters, one who is known to the newspaper world as 'Joan Stone' and 'Alice Howe,' but whom we know and love as Anna Dever Hammel. I am sure, if she is permitted, she will say something that we'll be glad to hear."

Over Mrs. Hammel's pantomime protests the motion was made, the vote taken, and the president invited Mrs. Hammel to come to that end of the parlor and face the audience, so that all might see her. She looked very bright and girlish, with the pink tinge in her cheeks, scarlet on her lips, and her dark eyes flashing with—no one could tell whether it was enthusiasm or ridicule.

"Madam President, and ladies," came in a low, musical, and penetrating voice. "This is most kind to you. The kindness will be evident to yourselves when I tell you that I am not a reformer. All along the lines of reform, as I hear of it, I'm a veritable heretic. Of all the tedious, worthless work that women have set for their hands to do, reforming is the most barren of results. True, you may

#### IN THE FIRST DEGREE

say that I cannot possibly have had experience. Not much, I grant, but experience is the severe dame who keeps an expensive school, and measures out long terms. It is in this school that women have toiled for so long at making candles, and soap, and patchwork quilts, and rag carpets, and all those crocheted monstrosities, instead of using their brains, which would surely have grown by the exercise, and not grown ugly and disfigured, as were their toil-hardened hands. I have been thinking, instead of experimenting. I have solved the problem to my own satisfaction. The member who wonders what our Heavenly Father thinks of us has the wrong handle of the matter. ‘Shall not the Judge of all the earth do right?’ If we admit, for the sake of consistency, that there is an intelligence taking note of these affairs of ours, it seems to me that this intelligence—we may call it Heavenly Father; it’s only a name, anyway—might very reasonably wonder what we think of His handiwork, and the inexorable laws that govern the whole outfit. Long ago Omar, the tentmaker, was of this mind when he said:

“ ‘O Thou who man of baser earth didst make,  
And even with Paradise devise the snake,  
For all the sin wherewith the face of man  
Is blackened, God’s forgiveness give, and  
take.’

#### IN THE FIRST DEGREE

"Madam President, and ladies, I thank you for your kindly attention."

The speaker went back to her chair, while the applause was tempered with whisperings, and frowns of disapproval.

When the meeting was adjourned, Mrs. Milford was one of the heartiest of the handshakers who surrounded Mrs. Hammel, and she managed to whisper:

"Oh, you happy thing! You dare to speak your honest thought! You couldn't do it if you had married a preacher."

Mrs. Dr. Mason, the exponent of style and religious propriety, stood aloof. She, as a representative of the church, and the best society, felt that something sacrilegious had been said. Who was Omar, anyway? Not a professional man, surely, if he was a tentmaker!

Mrs. Mason was at her best when posing before an audience and advising women to always see that their homes were in order before trying to stand shoulder to shoulder with their husbands, "the applause of listening senates to command."

This quotation was one of her stock expressions, and one day Mrs. Macy assured her that there were no listening senates nowadays. Senators never made any pretence of listening to each other; that they might have listened in Gray's time, but not in our own.

#### IN THE FIRST DEGREE

In spite of that, Mrs. Mason claimed the privilege of being shocked by Mrs. Hammel. Later, Mrs. Hammel said she was not shocked in the least when Mrs. Ross told her that her chambermaid, who had formerly worked for Mrs. Mason, said that this graceful embodiment of style, religion, and general propriety, had boxed the ears of her grown daughter for neglecting her prayers, and had locked her grown son in his room for two days for daring to practice "Blue Bells of Scotland" on his mandolin on Sunday.

Mrs. Hammel said that was just like her. She had no doubt she would do worse things.

## CHAPTER XV

IT was a bright October day, the day before the election.

The Ross House omnibus was at the door, and the driver called: "All aboard for Chicago express! Time's up!"

Then out of the door came a tall, slouching figure, enveloped in a long gray ulster, and with a silk muffler about his neck. The man seemed to be in a bad temper. He was muttering and protesting, but Mrs. Hammel, who supported him by one arm, and held fast to him even while Mr. Ross assisted him into the vehicle, answered cheerily: "Oh, yes; you'll go through all right—only a few hours' ride. I've already spoken to Conductor Simms, and I'll wire your father to meet you. Your mother wants you, and she can care for you better than I can. You need Will's advice, too."

When Mrs. Hammel returned, Mrs. Ross said: "Well, of course, it's your own business, but seems to me, if it'd been my husband, I'd 'a' kept 'im with me till he was a little stronger. I wouldn't 'a' sent 'im to Chicago, of all places."

#### IN THE FIRST DEGREE

"I've done what I think best, Mrs. Ross," Mrs. Hammel answered wearily. "He's much less expensive there than here. He can live at home, and his brother, Dr. Will Hammel, can supply his medicines. The climate of Chicago will not hurt Jack as much as he'd hurt himself, and me, as soon as he's able to be out. He's able now, but Dr. Mason has purposely refused to allow him; and he and I together could not have kept him in longer than to-day. Most particularly I didn't want him here to-morrow, as he was determined to go out."

"Oh, I see," Mrs. Ross said. "Well, each one of us knows our own troubles best."

If Mrs. Ross had kept strictly to facts, she might have confessed that it was a trifle doubtful if Mrs. Hammel had known her troubles for the last few weeks any better than her hostess. The Ross House was an old wooden building, with thin partitions and badly fitting doors. Mrs. Ross heard some of the conversations of her guests, unavoidably. Other conversations she would not have avoided hearing if she could. Sometimes she was not above listening to the reports of her chambermaid.

More than once, within the time that Jack Hammel had been a guest in her house, had Mrs. Ross heard him berating his wife for her lack of success in gaining admittance to her mother, and "making it up with her."

To these reproaches sometimes Mrs. Hammel re-

#### IN THE FIRST DEGREE

plied patiently, persuasively, sometimes peremptorily commanding silence on the subject, and sometimes not at all.

One day Mrs. Ross heard, and later she had reason to remember it, that Hammel, more than usually irritable, had said savagely: "I do wish the old heathen would die! She must leave her belongings to you, and there she sits, not enjoying anything, and I suffering for lack of what is rightfully mine!"

To this Mrs. Hammel had answered in her usual voice:

"You have no claims upon my mother's belongings. Of course, if she sees fit, she can leave her real estate, and anything else she possesses, to me. If she chooses, she can leave it to someone else. It is her own, absolutely."

Then there was a volley of oaths, and the sick man seemed to be walking about the room.

Mrs. Ross was a kindly woman, and sympathetic, and she was really glad to have Hammel out of the house. Mrs. Hammel was much more cheerful after he was gone.

In the afternoon of this day she went out to mail her literary work. The day was fine, and on her way back from the post office she walked up and down in front of her mother's house several times. She could see no one, and she entered the grounds and gathered a handful of asters that grew in

## IN THE FIRST DEGREE

amongst the weeds of a border she used to cultivate.

As she was going away, much to her surprise, Polly came from the house, down across the ragged lawn.

"Oh, Miss Nan!" she said, "I'm so glad to see ye!"

"Good old Polly!" and Mrs. Hammel kissed her brown cheek. "Let me look at you. You see my mother every day, and talk to her, and touch her—oh, Polly!"

"Yes, Miss Nan. Nobody sees 'er but jes' me."

"How is she, Polly—well?"

"Yes, she's well, I guess. She never complains, an' has a good appetite, an' sleeps all right. She's takin' her nap now."

Then the two stood there together, talking and crying. They were not far from the gate, and only half hidden by the shrubbery. As they stood there Dan and Frances Drayton passed, and they bowed to Mrs. Hammel. Then Polly, turning to see them, broke out crying harder than ever as she said:

"Oh, Miss Nan! Ef you'd on'y 'a' married him how happy we'd 'a' be'n!"

"There, Polly! Don't cry, please! And why should you say that? Mr. Drayton never thought of me in that way. We were good friends, because Lois and I liked each other, and Paul, too. Poor

IN THE FIRST DEGREE

little Paul! He and I were the best friends of all!"

"Course, I know 'at mebbe you an' him wasn't jes' promised, but I know jes' as well you would 'a' be'n ef you'd 'a' waited."

"But, Polly, I loved Jack all the time. I never thought of anyone else as I did of him. Don't grieve about it. Mr. Drayton has a nice wife, and if my husband is something of a disappointment it can't be helped. Many women and men are disappointed in marriage. Jack and I started out with the best intentions in the world. Now he's ill, and I'm afraid he'll never get better," and she sighed.

"Mebbe ef he'd die your mother'd take you home ag'in."

"Did she ever say anything of the kind?"

"Not ezactly. She says very little about anything; but, course she'd never let him come into the house."

"How does she pass her time?"

"She reads an' writes an' sews. She doesn't use a sewin'-machine now any more. She sews everything by hand, so's to fill up more time."

"And does she never go outdoors?"

"Never, as I see; an' she never sees anyone to speak to but me."

"Poor mother! Her mind is surely unbalanced.

#### IN 'THE FIRST DEGREE

She's kind to you? She doesn't get angry and scold?"

"Never! Ef I makes any mistakes, which I don't once in six months, bein' so used to the house an' her ways, an' ef I break anythin', she jes' says, 'Never mind, Polly; it don't matter. Nothin' matters any more,' an' I guess that's right. She won't have your room touched to be aired, or swept, or dusted, an' for more'n a year the door's been locked. I've looked through the keyhole, an' it's dark 's shades an' blinds can make it."

Tears were slowly rolling over Mrs. Hammel's cheeks, and she stood staring at the faithful woman, the only person who had spoken to her mother within the last four years.

"Is that you, Nan?" came pleasantly from the street, and Mrs. Hammel hastily brushed away her tears and turned to see Lois Drayton peering through the shrubbery.

"Yes, dear! Good-bye, Polly," and she pressed the hard hand that tried to detain her.

"Come again, please, Miss Nan. Come every day—please do!"

"I will, Polly, if it doesn't make trouble for you. I'll be glad to come. At what time?"

"Jes' 'bout this time. Your mother most allus rests nearly all the afternoon, an' then I lock the doors an' walk about in the fresh air. Come tomorrow."

## IN THE FIRST DEGREE

"I will, then. Good-bye!" and Mrs. Hammel kissed her cheek.

"Poor Nan!" and Lois caressed her as she might baby Fred. "So Jack's gone home? I've been to the hotel to see you, and came this way slowly, hoping to meet you. Come home with me, dear, mamma expects you. They're all at home this evening, and I want you to meet Dan's partner, Mr. Hale. Dan says he's a sort of a member-in-law of the family now."

Mrs. Hammel, still dabbing her eyes, looked sidewise at Lois. "I wonder if he won't be another sort of a member of the family by and by."

"Oh, my, no! I don't want to marry, nor does Mr. Hale, as far as I've been able to observe."

"No, girls and men don't usually want to marry; at least, they carry no placards announcing that to be the case. I've met Mr. Hale. He's very nice. He has a good, strong face, and sometimes handsome men have brains."

Lois laughed. "I hope Mr. Hale is one of the favored ones; at least, I hope he has sufficient brains to take care of Dan's interests—after to-morrow."

## CHAPTER XVI

"WHAT is it, Nan? Have you lost something?"

"I thought I had an extra handkerchief, but I guess not."

"Let me supply you."

The two were together in Lois's room, freshening their toilets before going down to dinner. Mrs. Hammel's pilfered nosegay was put into a vase until she should go home.

"I'll get more to-morrow. Poor little dwarfs! This is the first time I've gone into the grounds for two months. Then I tried to induce Polly to let me into the house. I fancy, if I could get in and take mother by surprise, I could force a reconciliation; but Polly, though seemingly heart-broken, could not be persuaded. But if mother never goes out, I hope I'll not disturb her by loafing about the grounds. Seeing me there, even from the windows, she may relent. Anyway, I'll see good old Polly, and we can cry our eyes out together."

Those who knew Frances Drayton best, and had grown to dread her capricious temper, saw that

## IN THE FIRST DEGREE

there was a storm of some magnitude in the air as soon as Lois and Mrs. Hammel entered the room where the family were gathered, awaiting dinner.

Dan at once acknowledged the change in the temper of his wife by an exceeding iciness of manner towards Mrs. Hammel, but no one else gave the least sign, save Paul. He caught Laura's eye, pretended to shiver, drew his coat together one more button, and remarked on the likelihood of a frost very soon.

"It's the frost that's going to catch our friends, the enemy, to-morrow at the polls," said Philip Hale; and, turning to Mrs. Hammel, he continued: "Are you a political writer in any sense?"

"Only in the way of touching results very lightly—moralizing a little, by way of comforting the defeated."

"Nan sings the song of failure," said Basil, and turning to her he said, "You know most of the candidates; you can go serenading to-morrow night."

"Better go to-night, wouldn't I? Play Cassandra, or the prophetic banshee."

"They need no prophet," said Mr. Drayton. "It's a foolish thing to have two parties where one is so much in the majority."

"Perhaps the minor party stands by its principles," Frances said.

"Now we never supposed they had any," Paul said drily. "Likely as not, they do think they're

#### IN THE FIRST DEGREE

right. It's a lack of education makes them think so, I guess."

Frances shot a glance at Paul that was full of dislike, if not downright hatred.

Lois, seeing the mood of her sister-in-law, and guessing the reason for it, spoke to Philip Hale very quietly, asking him to be especially attentive to Mrs. Hammel.

"Certainly, if you wish it," was his ready answer, while his eyes questioned her.

"I do wish it most earnestly. Some time I may explain, if you have not already guessed my reason."

"Perhaps I have guessed," and his glance wandered indifferently toward Frances.

They were interrupted by little Fred, who was making a tour of the room, touching each one of the company, and pronouncing the name and relationship to himself, sometimes with the addition of an endearing or complimentary epithet. Mr. Drayton had been patted as "nice, dood g'anpa." Laura was "my own s'eet mamma." Basil was always "Pitty papa." When the little fellow came to Lois, she received a rapturous hug on her skirts, and was told that she was "Baby's doodest Auntie Lois." No one had paid any attention to Fred, so that his next move was unnoticed save by the two most concerned. He turned to Hale, looked at him inquiringly for an instant, then placing his hands

#### IN THE FIRST DEGREE

on the young man's knees, said distinctly, "Baby's nice Unca Pil Hale."

"Hello! hello! Is that so, little captain?" and he leaned over the baby while he gazed steadily at Lois. "Am I your uncle?" and he lifted the child to his knee. "Did auntie say so?"

"For shame!" Lois said, just above a whisper. "Baby's Uncle Zeke's out in the garden taking care of the chrysanthemums."

"But Unca Pil Hale not in ga'den."

"No, Uncle Phil's right here, little boss. Ask auntie if I'm not your uncle, sure enough."

The obedient baby, turning to Lois, lisped: "Su' 'nough, auntie?"

"Tell him no. You want an uncle who can speak for himself."

"I'll speak for myself, now remember, and this youngster may have my purse for helping me."

All the evening Hale was in a most exultant mood, and he entertained Mrs. Hammel most loyally, even walking with her to the Ross House, though Basil and Laura offered their services. He might have walked all night for all the need he felt of sleep.

In the midst of the "good-nights" he found opportunity to say to Lois: "I'll speak to your mother and father at their earliest convenience."

No answer in words, but there was a flash like blue lightning from a rose-colored cloud, and he

IN THE FIRST DEGREE

was satisfied. The question that had been racking the young lawyer's brain for months was asked, and answered by the chance intervention of a little child.

## CHAPTER XVII

"WHAT was that?"

"What was what? I heard nothing but the noise of the cheering over the returns."

"No, it was something moving, in there amongst the shrubbery, and I'm almost sure I heard a half-suppressed cough."

"You're nervous, Nan. It isn't to be wondered at in this neighborhood. I heard nothing; did you notice anything, Paul?"

"I thought the cough was back of us," Paul answered, undecidedly, "but just as we passed the corner, where we got a good view of Mrs. Dever's lawn, I'm sure I saw a shadow—something, a man or a woman, seemed to be walking near the house, and the head reached out into the moonlight, past the shadows cast by the house."

"Oh, Paul! are you sure?" and Mrs. Hammel clasped his arm tightly.

"It must have been a cat, Paul," Lois said hurriedly, "and the cough was by the four-footed marauder, too. Don't you remember, Nan, there was

#### IN THE FIRST DEGREE

a sprig of catnip amongst the asters you gathered yesterday? Some poor Tom or Maria has a cold and is out for medicine before going to bed."

"I remember the catnip, and I remember, too, that it always grew here abundantly, if left undisturbed; but that was not a cat's sneeze that I heard. I've thought a great many times of the danger that mother and Polly are in, living here all alone. It is a common story—gossip that a certain class indulges in—that mother is hoarding her income in the house. Mrs. Ross has spoken of it several times. Of course, I do not feel like going to the bank to inquire, but I'll ask Polly to-morrow."

"They ought to have a special watchman. Here comes the patrol—I'll speak to him."

Mrs. Hammel, Lois and Paul had been passing the evening with Laura while Basil waited for the incoming election returns. They were on their way to the Ross House, when, on passing the home of Mrs. Dever, Mrs. Hammel was startled by the sound of what seemed to her a smothered cough.

Lois walked nearest the curb, and was speaking at the time, so she had not noticed the sound that was quite distinct to the other two.

Paul spoke to the policeman they met, and at their request the officer went all about the grounds and reported everything quiet. He said further that he frequently did this, feeling, as did Mrs. Hammel, that the two solitary women were a temptation

#### IN THE FIRST DEGREE

to those who were on the watch for houses easily looted, and well worth the work.

There was nothing more said about it, but when they came to the street leading to the Ross House, Lois insisted on Mrs. Hammel going home with them for the night.

"You're nervous, Nan. I'm not sure that it's a good thing for you to see Polly every day. It keeps your grief continually fresh."

"I'm going to see her every day, just the same, for a while, at least; then I may as well go away. I think, too, that what God hath joined is a humbug. I've an idea that probably I'll go East instead of West. No, thank you, dear, I'll not go home with you. No need of taxing you out of your wits because you're generous. I guess I've had too much dissipation for the last two days. The reaction is on, and I feel as if the world was coming to an end."

"Now, my dear old sweetheart," Paul said, as he pressed her arm and patted her hand, "don't you know that the world is round, and has no end, as is my love for you, my friend?"

"Yes, Paul, I know," and Mrs. Hammel laughed. "I'm sure I'm not hungry—you know that's your father's way of accounting for low spirits. I think if I take my dumps home and let the disease run its course—just be as wretched as I pos-

## IN THE FIRST DEGREE

sibly can be to-night—I'll be able to get myself well in hand to-morrow and go on in the old way."

After leaving her at the hotel, Paul and Lois went briskly homeward. At the first street they had to cross they barely missed a party of men, perhaps a half dozen, who were talking, laughing, and singing snatches of campaign songs. As they passed, one said:

"Oh, I tell you, Mr. Prosecutor, this is a soft snap you've got!"

"Think I've really got it?" Dan Drayton asked.

"Oh, Lord, yes! You had it in June!" and the company passed on, escorting the successful candidate to his own door.

There, Frances met them most cordially, and insisted that they should all come in. She had prepared a little supper, and she was sure there would be enough for all.

For more than an hour the party sat in the dining-room, then, with hearty congratulations, they took their leave.

One of the most hilarious of the party, a young lawyer, who had been graduated in the class with Dan, said at the gate:

"Now, Dan, just for the sake of the practice it'll give you, and to rouse this old burg out of its coma, I hope some worthless lout will slaughter some other lout. You'll defend the commonwealth,

## IN THE FIRST DEGREE

and I'll put my mettle against yours, and ladle out legal flap-doodle for the murderer."

In the midst of the laugh that followed this wish, "good-nights" were said, and the party went away.

As the door closed on the husband and wife, Frances said:

"Dear me! I s'pose if Marshall's wish should come to pass, your mother'd have a fit."

Dan frowned, but said nothing. He had not the least premonition that the joke of his friend, much modified, would be the news to greet him next morning over the breakfast-table.

Mrs. Hammel met Mrs. Ross in the hall of the second floor, where she was entering her own sleeping-room.

"It's been a noisy night, hasn't it?" said the hostess, "and you look tired to death."

"I guess I am tired, though I haven't been in the noise. It was very quiet at Basil Drayton's; no visitors there but Paul, Lois, and I."

"I hope you'll sleep, and feel all right in the morning."

"I hope so." And going one flight higher, Mrs. Hammel entered her own rooms.

One window was open, and the moonlight lay in a square on the floor. She sat by the window, without lighting the gas, and, drawing off her gloves, dropped them on the floor. Hat and jacket

#### IN THE FIRST DEGREE

followed them, and there in the moonlight she sat, unconscious of the air that was growing chill, of the hurrahing that came across the quiet streets, of the light that arose from the bonfire, lit by the enthusiastic victors of the day. She realized only that she was Anna Dever Hammel, the most abjectly miserable woman in the world.

The depression that had wrapped her for the last few hours like a cloud of mist seemed now to press upon her like a tangible garment.

Perhaps Lois was right. Perhaps she would better not go to meet Polly every day, there, so near that her mother might, if she cared, hear the sound of their voices; but she did not care.

She leaned her folded arms on the window-sill and looked toward her mother's house as she soliloquized:

"I wouldn't have believed any woman, any mother, could be so unforgiving. Since my mother is, and I am her flesh and blood, perhaps it's a good thing that my baby died. When Mother Hammel told me that I might see the day when I'd be thankful for the loss, I couldn't believe her; but she was right. I've seen a lot of such days, but, oh, me! I hope I won't see many more of any kind!" And dropping her head on her arms, a few big, slow tears forced themselves from her eyes. These were tears that come with a burning and aching through the eyeballs, and the ache has strong

## IN THE FIRST DEGREE

roots in the breast that rend and tear as if being drawn out.

Such tears come when one suffers what cannot be resented; when the one from whom we expect only cherishing kindness is cruel as death; when one's own blood is unkind and unjust.

Not long did Mrs. Hammel sit thus. Presently she arose, picked up her outdoor garments, and put them in their proper place. As she turned from the press there was a tap on the door.

"What is it?" she asked, with her face close to the loosely-fitted panel.

"Only I, Mrs. Hammel. I heard you moving about. Are you sick? Can I do anything for you?"

"Oh, Mrs. Ross! No, thank you. I'm sorry I disturbed you." She opened the door. "Will you come in? I've been sitting in the moonlight."

"No; I'll go back to bed. No, you didn't disturb me. I ain't easily disturbed; but I thought maybe you'd been so worried out with Mr. Hammel's sickness, and all—— But, good-night. Go to bed, and you'll feel all right in the morning."

"It's very kind of you. Good-night!" And she closed the door, and really hurried in her preparations for the night.

## CHAPTER XVIII

SLEEP was not long in coming to Mrs. Hammel when she signified her readiness for it. She confessed, as she laid her head on her pillow, that it was good that she could pay for a comfortable bed, and pass her leisure with such pleasant friends as she found here in the town where her mother chose to live as one dead.

She was conscious of a soothing drowsiness, of a calmness and content stealing over her, and then —she felt sure she had but just gone to bed, and yet she was wide awake. She felt rested and refreshed, and the room was light.

"I ought to have closed the blinds and shut out the moonlight. I'll do it now." She turned in bed, set her foot on the floor, and then: "How silly! It's the sun!"

It was morning, and the little clock on the shelf said nine.

Then, still sitting on the side of the bed, she became conscious of movements in the hall, of whispers that came hissing through the thin partitions

## IN THE FIRST DEGREE

much more distinctly than would words spoken in an undertone.

Someone was saying: "Does she always sleep so late? What time did she get in last night? I saw 'er in the early part of the evening going to Basil Drayton's."

Someone answered: "She came home some time after eleven, but she wasn't feeling quite well, an' I won't let you disturb 'er. She'll hear all about it soon enough. Wait till she's had 'er breakfast."

The person outside the door might wait, but Mrs. Hammel would not. She caught up a long flannel wrapper, threw it on over her nightgown, and hurried to the door. Two women were walking down the hall.

"What is it, Mrs. Ross? What's happened? Is Mr. Hammel here?"

"Laws, no, Mrs. Hammel! And Mrs. Ross hurried to her, waving away the other woman, whom Mrs. Hammel recognized as a neighbor of her mother's.

"Now come right inside an' put on your clothes." And Mrs. Ross pushed her into the room and closed the door.

Mrs. Hammel saw there were tears in her eyes, and her hands trembled, though they clung to her with a touch like a caress.

"Just wait a minute," she said. "I'll call Phœbe through the tube to bring your breakfast. Keep

IN THE FIRST DEGREE

your door closed." And she disappeared down the hall.

Mrs. Hammel felt inclined to laugh, though she was touched by the manner of her hostess.

"I wonder if she thinks I'm ill, or has she had some news from Jack? Well," and she compressed her lips, "maybe I did an imprudent thing to pack him off so soon, but I thought it best, and so did his mother and brother. And to think of Mrs. Ross telling me to keep my door closed—while I'm dressing! Queer people, are some that the Good Man made! He must be something of a joker —on the quiet."

She dressed herself, not very leisurely, but she had a deft, finished way of settling into her clothes that scouted the least suspicion of treacherous seams, truant hooks or buttons, or doubtful strings.

She was about to go down and protest against having her breakfast sent up when she met a little procession bearing trays.

"Mrs. Ross, this is too much for the money," she said gaily. "I'm not ill."

"That's all right, Mrs. Hammel. You just set down now an' be comfortable. Jenny, lay the books on the bed—don't spill that ink!—set it on the shelf by the clock. Phœbe, put down your tray, an' both of you go along to your work. I'll wait on Mrs. Hammel." And she hustled the two gaping girls out of the room.

#### IN THE FIRST DEGREE

"Now, Mrs. Ross," Mrs. Hammel was beginning, as she seated herself by the table. Then seeing the suppressed excitement of her hostess, she stopped, and grasped her hand, saying:

"What is it? What has happened? Tell me at once!"

"Now, dearie, drink your coffee. See, it's gettin' cold. There isn't much to tell, an' it'll keep till you're fit to hear it. Eat your breakfast, or I'll go an' leave you." And with a sorry feint of playfulness she rose from her chair.

"Please stay! I'll be good." And the worst thought that came to her was that Jack had fooled her about going to Chicago, and had got into some sort of mischief.

This thought brought in its train the remembrance of other times when the whole Hammel family had been at their wits' end in trying to find means for the control of their one black sheep.

These thoughts brought a frown to her brows and sharpened her appetite. Mrs. Ross tried to talk of the election, of the weather, of all the commonplace affairs of her world, and her guest was too much irritated by her own thoughts to see what an effort was being made for her entertainment; to see that there was a great weight on the mind of her hostess that in due time would be transferred to her own.

The really nice breakfast was disappearing when

#### IN THE FIRST DEGREE

the thoughts of both were scattered by a voice in the street:

"Extra! extra!" was called in a loud, boyish voice. "Here's your extra! All about the Dever murder! All about Mrs. Dever!"

"Oh, good heavens!" And Mrs. Hammel sprang from her chair and was leaning half way out of the window.

"Come away, dearie! Come along away! I'll tell you all about it. I was just going to." And Mrs. Ross, now quite hysterical, pulled at Mrs. Hammel, who called frantically to the boy with the papers; and to the sobbing woman who clung to her she seemed on the point of leaping to the ground.

There was a knocking at the door, and both, thinking that the boy, who had disappeared, was there, ran to open it.

But instead of meeting a newsboy, Mrs. Hammel was folded in the arms of Mrs. Drayton, while Lois clung to her, sobbing, and Mr. Drayton, looking stern and troubled, followed them into the room and closed the door.

By scraps and patches the story was told of Polly's ghastly discovery that morning. She and her mistress were early risers. They were the first customers for the butcher and grocer, the baker, the milk and iceman. This morning Polly was up, as usual, attending to her work, but her mistress did not appear, as usual, in the breakfast-room after

#### IN THE FIRST DEGREE

one tap of the bell. Polly waited a minute, she waited "five minutes by the clock," then tapped the bell again, very lightly. Mrs. Dever had trained her to ways of patience. Another five minutes' wait, and then Polly went upstairs.

Mrs. Dever's room was still darkened, but she never had it light excepting on sweeping days, and the door was open. Polly rapped on the panels, but there was no answer. It was very strange. Polly could see her mistress was still in bed.

She entered the room, saying softly: "Mrs. Dever, didn't you hear the bell? Are you sick?" She went close to the bed.

She noticed the clothing was much disturbed, a part of it hanging over the side on the floor. Mrs. Dever's head was so sunken amongst the pillows that Polly leaned over them before she saw the face. Then, oh, horrors! There were the staring eyes, the protruding tongue, the clenched hands of a dead woman—a murdered woman!

Polly screamed and shrieked until her voice lost all semblance to that of a human. The neighbors for several blocks around rushed into the streets, and followed the sound of the horrible cries. In this quiet little city of homes such a sound on the still morning air was carried far.

The neglected place was soon overrun by all sorts of people. The house was thrown open, and the horror was borne out into the newly-awakened world by the clamor of a thousand tongues.

## CHAPTER XIX

"Is OUR civilization a failure?" Is it anything more than an open confession that the savagery of the human has been reduced to system? That we know that the brutal instincts are only dormant? That, having gorged themselves through countless ages, simply through weariness or caprice they hide themselves under silks and broadcloths and all the curious weaves produced by the toilers of the loom?

The laws answer, "Yea, verily!" There stand the strong houses, there are the countless volumes that govern the opening and closing of the iron doors. Everything is in readiness to spring the trap. Men stand on every street corner, in waiting for the man or the woman who can no longer control the heritage of savagery. Hosts of men live in their own interpretation of what civilization has grown to be, live on the fruits of these outbreaks. They live by the misfortunes of those who, because of the workings of unknown forces, forces of which the average mind has no conception, fall victims to—ah! there are names in abundance.

The doctors of the church call it original sin,

#### IN THE FIRST DEGREE

the influence of the spirit of evil, the lack of that grace which redeems the world.

The doctors of medicine talk of heredity, atavism, pre-natal influence.

The doctors of the laws produce direct and circumstantial evidence, and with a multiplicity of words entrap for death the human who has used a more direct method to murder his victim.

Such a wonderful inventive faculty these clothed savages possess, as proven by their language. So many words of differing sound, yet all meaning shameful death.

All the machinery of the laws of civilization was in waiting on the morning that the murder of Mrs. Dever was discovered. How provident! and what a confession!

The makers of the laws, by their workmanship, admit the instability of their own position. They openly declare: "I have thought of these things; other men will do them; weaker men will make action of my thought."

The forms were all ready; they had been rehearsed thousands of times. It was but a few hours after the discovery of the murder until the place was cleared of all save those permitted by the law to remain. The grounds were guarded by officers, while every nook and corner of the premises was searched for evidence of the victim of atavism.

There was, necessarily, much coming and going,

#### IN THE FIRST DEGREE

until all the forms prescribed for this and like tragedies should be rehearsed; till all formalities laid down in anticipation of this event should be complied with.

Mrs. Hammel was at last in the home of her mother. Her friends speculated as to her sensations, but to all outward appearances she had none.

After the first hour or two of unbelieving grief, of stormy wailing that it was all over, that the gate was forever closed between herself and her mother, she had been calm and self-contained. She knew afterward that it was because she felt that she had sounded the depths of wretchedness. There were no words to express her feelings. Tears and cries were only for babies when they were hungry. This horrible thing that had come into her life was no least kin to tears. So her emotions were a sealed volume.

But there were other sensations for her. She was to find herself, in the near future, capable of an entirely new assortment of emotions.

She had answered questions put to her by men who she was told was a coroner's jury. Some of these questions she had been inclined to resent, as much too personal, and, under the stress of the time, exceedingly heartless.

But Mrs. Drayton was with her continually. Philip Hale came to advise her. He was most kind

#### IN THE FIRST DEGREE

and solicitous. Lois clung to her and wept over her.

In the course of these formalities Mrs. Hammel had been shown a soiled handkerchief and asked if she knew it. Her answer was: "Yes, I know it, as who would not? There is my name along the hem."

"Where did you see it last?" was the next question.

"I am sure I don't know," and she was inclined to smile. "From its appearance, I must have seen it last in my laundry-bag."

Then, very curiously, she thought, she was not allowed to take possession of the dingy scrap of linen. A bunch of keys was dangled before her eyes, and she was allowed to take them in her hands. She was asked if she knew anything about them. She caught her breath, and she felt a sudden chill, but answered calmly:

"Yes; they are mine. There is my maiden name engraved on the ring and on each separate key. Mr. Fair, here, present as a juror, knows them. He made the whole outfit for me years ago."

"What use have you had of these keys within the last four years—since your marriage?"

"None whatever."

"Why did you carry them with you?"

"I did not carry them with me. I left them in Chicago."

## IN THE FIRST DEGREE

"How is it that you were in possession of the keys, since you had no use for them?"

"When I went away, over four years ago, I carried the keys with me, in my purse, because that was the way I usually carried them."

"And no doubt you supposed at that time you might again have use for them in entering your mother's house?"

"Very naturally, if I thought of them at all."

"You say you left them in Chicago. How long since?"

"I've been here all summer. I left Chicago on the twentieth of May."

"You say you left these keys in Chicago. You have not been there since the twentieth of May. Did you send for the keys?"

"I did not."

"Can you explain in any way how they came here—to be found, where they had fallen, or been thrown, or dropped, on the floor of the hall near the street door of this, your mother's house?"

Mrs. Hammel's face grew white as the band of linen that encircled her neck. In an instant came a revelation too horrible to be given credence. Her hesitation, her pallor, were noted. When she answered, in a lower tone than she had before spoken in, "No, I cannot," there was a sigh, a movement amongst the jurors that might have meant compassion, disbelief, wonder, horror.

#### IN THE FIRST DEGREE

What followed, Mrs. Hammel never quite clearly understood or remembered. If it was two hours, two days, or two weeks, she could not have said positively, from the time she was questioned about the keys until she was told that she was under indictment for the murder of her mother.

"But," she remonstrated, "how can anyone believe that I did it? Why, it is simply monstrous that anyone could have killed her, but that I did it—is too horrible to think of!"

In these first moments she felt like a wild woman. She was possessed of an impulse to tear and rend everything she touched; but, counselled by those who had stood by her through all the dreadful days, when she realized the awful shadow that was falling over her while she suspected nothing, she controlled herself. When she was led away to the county jail, there to await her trial, she went calmly.

When Mr. Drayton and Lois came to her cell to tell her that all efforts to have her released on bail were fruitless, though a million dollars would have been pledged, if required, she answered:

"Never mind; don't worry about it. I believe I would rather be here than to be out and be a show for the curious. Don't grieve, dear," as Lois threw herself, weeping, on the bosom of her friend. "It's all a horrible mistake. I'll be free as soon as I go

IN THE FIRST DEGREE

through the formality of a trial—I'm sure I will, though I don't see exactly how."

Mr. Drayton took her in his arms and kissed her.

"Keep up your courage, Nan, dear. You have strong friends, who will stand by you. I think, too —*think!*—*I know* it's all a horrible mistake!" But as he and Lois went sadly homeward, he said, more to himself than to her:

"If there is a God above us, what can He be about, to permit such blundering, such injustice? I don't see how ever mother will bear it!"

"And only to think of Dan, papa! He must do all he can against Nan! Oh, it is heart-breaking! And Frances is so openly, so absurdly jealous and unreasonable! Poor Dan!"

## CHAPTER XX

Poor Dan, indeed! If his cruelest enemy had sought to devise a torture for him, he never could have invented this situation. His visits to his father's house during the weeks that intervened between the death of Mrs. Dever and the trial of Mrs. Hammel were probably amongst the hardest things he had to bear. Not that there were words of reproach—the matter was studiously avoided. But he could see the sadness in his mother's eyes, the growing thinness of her cheek, and he felt the tremor of her hands when she touched him.

His father showed his disapproval in a different way. Dan felt that his eyes were continually censoring him, continually following him, pitilessly accusing him of grieving them all wilfully, of sinning knowingly. His manner never relaxed. He never greeted Dan or his wife with a smile. Dan felt that if he was only given opportunity to talk he might, in a measure, justify his position; but the time for talk had gone by the day he accepted the nomination for the office which he now held.

Paul, as often as he could, avoided Dan and Frances entirely. He managed to be late for Sun-

### IN THE FIRST DEGREE

day dinner, then sat alone and long, waited upon by Cleo and Zeke, while Bett was away, in her finery, for her Sunday outing. Lois, too, avoided Dan and Frances whenever it was possible. She and Dan never exchanged a word in regard to the murder or the unfortunate prisoner, but several times Frances forced the matter upon her sister-in-law, until the small stock of patience possessed by Lois was exhausted, and she said sharply that the subject must be dropped, or mentioned in a different spirit.

"Dear me!" Frances retorted. "I suppose one mustn't express an opinion of a criminal if that low person happens to be your friend. I see now how wise I was to refuse to accept the Drayton associates for my own."

Then Lois, nagged beyond peaceable endurance, flashed out: "I only regret that you ever came into contact with either the Draytons or their associates. It's your influence that has placed Dan in this intolerable situation, and furnished a subject of gossip for everybody in the county!"

After this, the intercourse between the two young women was of the most formal character. The gossip that Lois had hinted of was more than she could have guessed, and Frances had heard enough of it to keep her continually on the alert to hear more, or to know the truth or falsity of it, though it maddened her. She had the faculty of overhearing

## IN THE FIRST DEGREE

what women and men in her own circle said, and she had itching ears to hear what other servant girls said to her own.

For every scrap she heard, for every comparison drawn between herself and Mrs. Hammel, who, people would insist, had been Dan Drayton's first love, Frances, in some way of her own, held her husband responsible. The trend of all the gossip was to establish Dan as a disappointed, sometimes a really jilted lover, and the husband of a jealous wife immeasurably the inferior of the old love.

If there were any doubts expressed as to the outcome of the trial because of a lingering fondness of the prosecutor for the accused, these doubts were laughed at.

One evening Frances overheard two women, separated from herself by a portiere, going over the history of the affair.

These women were well acquainted with all the persons of whom they talked so glibly.

One said she was quite sure that Dan would allow the case of the State to fail. He would never permit Nan Dever to be convicted.

The other answered: "Don't you believe that for a minute! Dan Drayton's between the devil and the deep sea. He'll find it's much easier to convict Nan, even if he die of grief, than to live with that jealous fury of his after a failure."

"Do you really think so?"

#### IN THE FIRST DEGREE

"Yes, I do think so. There's nothing in the world as mean as a jealous person—nothing so unbearably persistent and suspicious. Nothing but jealousy so completely brings to the surface all the brutality of an inferior nature. In fact, no one but an inferior person ever feels this passion that goes by the name of jealousy, and Frances Drayton is a very inferior woman. She's entirely out of her element amongst her husband's people. She's continually watching them, to see that they take no advantage of her. Of course, her husband is first on the list of such suspects. Such a pity that so good a man as Dan is should have made such a marriage!"

There was silence, and the two moved away, while Frances, alone on her side of the curtain, writhed under the sting of their words. She had been most unfortunate in hearing herself talked about since she came to Stillwater, and she often wondered if other women had this experience after making what was understood as a good marriage. She had, within the last few months, as Paul expressed it, "applauded herself, and thrown bouquets to herself," as the power behind the throne of Dan's ambition. She even acknowledged to herself that she would have influenced him to try for the State Legislature, instead of the office of prosecutor, had it not been for a desire to oppose his family. She

#### IN THE FIRST DEGREE

wanted to feel beyond a doubt that she could control him against "all the Draytons."

Of this she was now assured, and after the shocking death of Mrs. Dever, and what followed, Frances felt that fate had given more into her hands than she would have dared to ask. And yet, it was not she, but her rival, who had tempted fate.

Why should Mrs. Hammel have come to Stillwater after a four years' absence, and so soon after she herself had come, if not to spy upon the wife of her old lover?

After seeing Mrs. Hammel, unwilling though she was, yet she did confess to herself that if Dan, or any other man, had loved her, it was not in the least surprising. It is only the natural trend of men to love beauty, grace, and vivacity in women; and here was one of the most attractive women that Stillwater, or the world, had ever produced.

Truly, Frances wished for something to happen that would take Mrs. Hammel out of her immediate neighborhood. As she was told numbers of times that Mrs. Dever would not allow her daughter to enter her house, she felt sure that if this was her errand to Stillwater she would presently go away. That she did not go, had been the cause of many quarrels between Dan and Frances; and now, if he showed the least thoughtfulness, if he sat silent, and could be seen to be neither reading nor

## IN THE FIRST DEGREE

asleep, there was sure to be some rasping reminder of the work he had to do in the near future.

One evening, after an attack of this kind, Dan left the house. He said he had a trifle of work to do at his office, and would perhaps meet Hale.

It was not wholly a lie. There was work at the office. If he had gone there, or to his old office, he would have met Hale. Like many unmarried men in country towns, Hale used his office as a club—a place for meeting other men situated as he was.

But Dan had no intention of going to anyone's office. He sauntered along the streets, thinking, only thinking, his head bent forward, his hat over his eyes, his collar turned up over his ears. Persons he met who recognized him called out a cheery "Hello, Dan!" stopping for nothing more. He felt in the very air that no man in Stillwater envied him, nor coveted the task he had before him as district attorney. As often as he recognized this fact he set his teeth and muttered, with an oath: "And they don't know the half of it."

This evening, through force of habit, through loneliness, and craving for sympathetic companionship, he wandered slowly to his brother's gate. He passed by a walk to a side door. He tried the latch, and the door opened directly into the pretty, cozy, family room. Laura was at the piano, drumming out a little plaintive Spanish song without words,

#### IN THE FIRST DEGREE

while Basil, by the shaded lamp, cut the leaves of a new magazine.

The fresh breeze let into the room startled both, and both came to welcome the caller.

"This is nice of you, Dan, to give us a little surprise," Laura said, pulling at his sleeve. "But why didn't you bring Frances?"

"I've left Frances with her own sweet thoughts. I begin to see why Lucifer was thrown out of heaven. It was a case of jealousy; and I'll be everlastingly damned—excuse me, Laura—if I can see why the feeling, the passion, the '*what is it?*' was not stamped out then and there. It looks to me like a confession of weakness on the part of the Administration."

"Now, Dan, hold on a minute!" Basil said laughingly. "What's all this about? What cause has Frances for jealousy?"

"About the same, I think, that Laura has. I guess you used to know Anna Dever, and lots of other girls, long ago."

"Yes, I did, and Nan was very deservedly popular; but I never knew that there was the least hint of a love affair between her and any of the boys but just Hammel."

"Neither did I, and it's precious little anybody knew of that till they were married. But Frances has the idea that I was jilted, and now she seems to think that I ought to be throwing up my hat and

#### IN THE FIRST DEGREE

jumping Jim Crow, and rejoicing, because of the position I occupy in relation to Nan. I tell you, if I become a mysterious disappearance between two days, some time before the date of Nan's trial, I want somebody to know the true inwardness of it."

Basil laughed silently. "You talk as if you meant to take the situation seriously."

"I was never more serious in my life. I'm sure that mother and the folks would rather know that I'd run away, deserted everything, than to have me put this case through; because there's but one possible end for it."

"Why, Dan!" Laura said. "Is the evidence so strong against Anna?"

"Very strong; and the motive is there, as everybody knows."

"Can't you turn over nearly the whole matter to an assistant?"

"No, I can't—not at this stage of my incumbency. I've got to be there and boss the job."

"Yes, of course. Will Hale help you?"

"No. He declines absolutely, sticking to the spirit of our partnership and to the letter of the dissolution. I thought all the formalities were but small preliminaries to our work straight through in double harness, and he would almost become my deputy, especially in a case like this. But he declines the offer with thanks."

"That's rather remarkable behavior for a fellow

## IN THE FIRST DEGREE

beginning life in the law. Does he give his reasons?"

Dan laughed, then frowned, and kicked a hassock across the room.

"Oh, yes. His reasons are wrapped around Lois's little finger. It's another example of petticoat government."

Basil laughed, and glanced at Laura.

"We've all been there," he said. "Let Lois have her day."

"It's a trifle more than that. It's this way, so Hale told me: When he was having his little talk with the folks, of course he gave a sketch of himself and his forbears. It turns out that he's the youngest son of ex-Governor Hale, the man whose decision in the case of the woman, whatever her name was, so affected mother and Paul."

*"Is that so?"* and Basil leaned forward in his chair. "Now it's a wonder to me that that discovery hadn't nipped the whole business."

"No, it hasn't; but Hale says that this has given him a new view of the idea of legal murder, and he'll take no hand in it. In fact, he told me that he had been approached in regard to assisting in the defence."

"That would be a fine card to play for the favor of the family."

"Yes; and that's another of the trifling matters that are driving me crazy. If ever any living man

IN THE FIRST DEGREE

found himself in half as big a combination of things that are most damned disagreeable, I'd like to interview him, and find out how he ever got through alive."

## CHAPTER XXI

IF the words of "Joan Stone," newspaper correspondent, were true, then being imprisoned, and under indictment for murder, was not a really deplorable situation.

In the beginning of her trouble, Mrs. Hammel had at once notified her employers and resigned her position on the several papers. These resignations were, as promptly as might be, thrown into the waste, and instead of polite notes of acceptance being sent in answer, there were urgent appeals to go on with the work, and write of the world as she found it from this new point of view.

This, at first glance, struck the prisoner as inconsiderate, but she thought it over, talked it over with Hale, and Dawson & Fiske, the firm which was to take charge of her case, and she wrote "From my cell" the sensations of an innocent woman caught in the net of circumstances and the law. These letters passed through the hands of her counsel before being mailed.

She had many solicitations from other publishers. These would be glad of anything she would favor

## IN THE FIRST DEGREE

them with. Many of these offers came from flashy, sensational periodicals, and received no answers; but to others were sent essays, stories, book reviews —anything, everything that entered the prisoner's mind. It seemed that every thought that came to her was utilized in some form for publication. There was no privacy for the mentality of the woman locked up in the Stillwater jail for the murder of her mother.

"Now, really," she said to Hale one day, as she handed him a parcel of checks, "this begins to look like prosperity in adversity. Did you ever see a more emphatic case of the meetings of extremes? I'll make my expenses, even if the county brings in a bill for my board."

The lawyer laughed; and as he deposited the checks to the credit of Anna Dever Hammel he wondered if her worthless husband was sole heir, and if he would come into possession of this money, and the Dever estate as well, since there had been no will found.

Hale knew, and he wondered if Mrs. Hammel had any idea of the weight of the evidence that was accumulating against her. If she guessed she gave no sign. She sat, day after day, working, covering page after page of copy paper, then, for relaxation, reading the new books and magazines and newspapers that came to her by every mail.

As time went on, and the preparations for the

#### IN THE FIRST DEGREE

trial were completed, Dan Drayton grew calmer, cooler; and though at times the horror of the situation overwhelmed him, yet he said to himself, and even to Basil, that the evidence was of such a character there need be but little said by the prosecutor. The defence must do the work. This work would necessarily be to prove an alibi, or the production of some other person to take the place of the prisoner. Any jury of sane men would convict on the evidence of the State unless the rebuttal was exceedingly, conclusively strong.

That there was any real truth against Mrs. Hammel in the evidence Dan did not for one moment believe. This was the enigma. In spite of the evidence and the motive he could not make himself see Nan Dever breaking into her mother's house and then strangling her with one of her own silk shawls. "But," he said to Basil, "what's a man to do? Everything looks as if she did do it, and there's no telling. Women are great riddles. I confess I don't understand any of them."

Basil, watching his brother, also made a confession, mentally, to the effect that Dan was something of a riddle, too.

But the answer was that he had slipped from his own proper orbit, and was likely to prove, according to his strength of character,

#### IN THE FIRST DEGREE

"A wandering mass of shapeless flame,  
A pathless comet, and a curse,"

not only to himself, but to all who knew him best and loved him most unselfishly; or he would come through the ordeal purified, and a stronger, better man.

The trial was set for the second week in December. It would not require many days. It had been wondered if the prisoner would report her trial for her publishers. A morning or two after the jury had been secured answered the query.

"Joan Stone's" two-column letter looked out cheerily from the first page of the city paper that came on an early train from Chicago, and a daily that arrived from the East in the evening had another.

People stared and wondered, and none wondered quite so much as some of the members of the "Ladies' Own" and the "Daughters of Endeavor." This writing columns and columns without the aid of an encyclopedia was hard to understand.

"But," said the elegant Mrs. Mason, "anyone who can do murder ought to be able to do something else."

To her mind, anyone who could set aside the thirty-nine articles, and refuse to accept tradition for religion, was capable of all degrees of depravity.

## IN THE FIRST DEGREE

The case of the State against Anna Dever Hammel was supported by the fact of the prisoner having been seen in the grounds surrounding the house of the murdered woman on several successive days preceding the murder. This, in view of the other fact that was well known in the town, that Mrs. Dever would not permit her daughter to enter the house, took on the semblance of prowling, of lying in wait. Even if the prisoner denied being in the grounds, which she did not, there was the handkerchief, marked with her own name, which she had unhesitatingly identified as her own, and which had been picked up from amongst a tangled mass of shrubbery.

Polly Warner was placed in the witness-chair—weeping, heart-broken, homeless Polly. She told the story of the years she had lived with Mrs. Dever, of her many kindnesses, of her eccentricities, her headstrong temper. She told, too, of her meetings with Miss Nan, of their talks there in the grounds, of their tears; but as she most solemnly testified, “not one single cross word about her mother, not one!”

Mrs. Ross was asked to tell all she knew of the whereabouts of Mrs. Hammel on the night of the murder. She could only say that she saw her on her way to her room before twelve o’clock, that she heard the door open and close, and then all was quiet; at least she heard no movement; and she had

## IN THE FIRST DEGREE

been in bed an hour or more, when, hearing Mrs. Hammel going about the room, she went upstairs. There was no light but that of the moon shining in through the window, but she could see that Mrs. Hammel was fully dressed.

The night clerk of the house, whose business it was to see that the omnibus went to meet the three o'clock train, said that sometime about two o'clock someone in a long gray coat had passed through the hall and upstairs. The light was dim in the hall, and he was half asleep in his chair at the further side of the office, fully fifteen feet from the door into the hall.

He wouldn't say whether 'twas a man or a woman. At the time he just supposed it was someone belonging in the house who had been out waiting for the returns of the election.

No, he didn't see anyone come down the stairs. Within a few minutes after seeing the person go up he went out to see if the omnibus was ready, and the boys were up to meet the train.

There was not much question about the gray coat or cloak.

Mrs. Hammel had a well-known mackintosh that answered the description. When this was shown in court, even when she was asked to put it on, and, with the collar turned up, and a woman's derby hat pulled down over her hair, she went through the ordeal without a change of color. Thus equipped,

#### IN THE FIRST DEGREE

her tall, slender figure, seen in a dim light, might very easily be mistaken for a man or a tall boy.

It was when the keys were shown—the door-keys that had been picked up in the hall, and that were undeniably her own—that a blue pallor overspread her face, and this was noted by the jury. The prisoner, visibly unnerved, glanced toward the twelve men, and met the eyes of all fixed upon her face.

Her counsel saw it, and had a sickening realization that this was evidence only to be weakened by establishing the fact of the possession of these keys by some other person.

The work of the prosecution was easy. The evidence was ready-made. But not one in that crowded court-room who knew Dan Drayton but felt compassion for him. He was white to his lips, and a constant frown rested over his eyes. It was when the witnesses for the defence were called that he might have prayed for the walls of the court-room to fall upon and hide him. These witnesses to prove how Mrs. Hammel had spent the first part of the night, and to tell of the fright in front of Mrs. Dever's house, were Dan's brothers, his sister, and his brother's wife. And while these were testifying, trying to shield their friend from the working of the law in his hands, there in the balcony sat Frances, stony-eyed, pitiless, sneering.

Lastly, the prisoner was placed on the witness-

#### IN THE FIRST DEGREE

stand. A murmur of admiration swept over the room like a breeze through a forest of cedar. She told her story in answer to the questions of her counsel, and then came the cross-examination by the prosecutor. This, Dan would most gladly have delegated to his young, unfledged assistant, but the eyes of his wife were upon him.

A worse man than Dan Drayton, one who had had a less honest home training, or one with a strain of what Cleo called "po' white trash" in his make-up, would have hoodwinked Frances; but Dan had never learned the use of subterfuge in home life. If he had a thing to do, he did it "on the square."

A man no better, but stronger to resist women, would at once have given Madam Frances a lesson or two which would have left him free to follow the course marked out for him, by right of his creation; and by the trend of all the years of his life before he had met her.

But if many people in the world had happened to be other than what they are many a tragedy would have been averted, many a story untold.

The prosecutor faced the prisoner, and above them waved the plumes and fluttered the fan of the prosecutor's wife. At home, Frances had talked about the keys. The keys were the strong evidence. Even though it had been demonstrated by the examination of a mechanic that the chain that guarded Mrs. Dever's front door had been removed by a

## IN THE FIRST DEGREE

wrench that surely required more strength than the average woman possessed, still the keys were insisted upon by the lawyers and audience, friend and enemy. If the keys had not first been used, the door could not have been forced against the chain so as to pull out the staple.

The history of the keys was given by the prisoner as she had given it to the coroner's jury. That, and no more. She did not know how the keys came to be in Stillwater, and much less could she say as to how they came to be in her mother's house. She was positive that she had last seen them in a box of her own in the store-room of her mother-in-law in Chicago. Then the prosecutor asked:

"Did any other person than yourself have access to this box?"

"Any person about the house might have had access to it. The box was never locked, neither was the door of the room."

"Do you know that any person had access to this box?"

"Yes," came the answer, clear and firm.

"Who was this person?"

"My husband's sister, Beatrice Hammel."

"Why was this—young woman permitted to—open this box, where it appears you stored—some things that were valuable?"

"I sent her, once, to find a parcel of scraps—of neckties, to add to her crazy patchwork. These

#### IN THE FIRST DEGREE

were not so very valuable, and," with the least perceptible twinkle in her eyes, "I had collected them in Stillwater."

A wave of color swept over the attorney's face, and a titter ran around the room.

"Did Miss Hammel know of these keys?"

"I've no reason to believe that she did."

"Did anyone—your husband, for instance—know of these keys?"

The color faded from the face of the prisoner, and the prosecutor knew that the playful thrust of a moment before was paid off. There was hesitation while one might have counted five, slowly, then:

"Yes; my husband knew of the keys. He saw them several times soon after we were married."

"That's all, Mrs. Hammel." And she left the chair, feeling that in some way the net of circumstances was closing fast about her.

Her next letter for the press told how an innocent woman feels when the evidence is all in and she goes back to her cell, with the prospect of listening to the pleas of the lawyers of both sides next day.

## CHAPTER XXII

"OH, mother! mother! They're going to kill Nan!" And Paul Drayton threw himself into his mother's arms when she opened the door for him that dark, rainy December afternoon. He clung to her, shivering and moaning. Mrs. Drayton already knew the verdict. She had sat with Mrs. Hammel some part of each day of the trial. She sat by her during the prosecutor's summing up of the case, and held her hand. She had pitted the influence of her presence against the eloquence of her son. This summing up was a surprise to everybody, and to no one more than to the prosecutor himself. He had meant it to be the merest formality, an almost neutral, colorless statement. But all eyes were upon him; one pair were scornful, searching, sneering. His party enemies were there to see him swayed by his mother's friendship, and perhaps old memories. The desire to be just was warped. The instinct of the hunter awakened. The thirst for triumph was aroused. The desire to startle, to dazzle, to confound, took possession of him. The plain facts of the case—the motive, the

## IN THE FIRST DEGREE

evidence—were set in array, with all the rhetoric, all the logic of which he was capable. He spoke for less than an hour, but the fate of the prisoner was sealed.

The efforts of her counsel were eloquent, were reasonable, but well nigh useless. The pleas were listened to, that was all. It could not be said that the prisoner had been denied any legal right.

The charge of the judge, a white-haired man, who had known the Dever family during all the years of their residence in Stillwater, was fair to the prisoner, honest in face of the evidence, temperate, considering the speech of the prosecutor.

The jury, after an absence of a short half hour, brought in their verdict of condemnation. The trial was ended, ended by the clear, high voice of the prisoner, declaring:

“But it’s all wrong! How dare these men say I am guilty when I never did it?”

That was her protest. Only these simple words. A little child would say the same if wrongfully accused by a playmate. There was no breaking down, no show of weakness. The accused showed only astonishment, so wrote the reporter; and this, “Joan Stone” averred, was the dominant feeling that possessed her when she wrote her letter giving the sensations of a woman when convicted of murder.

She did not tax the sympathies of her friends

## IN THE FIRST DEGREE

who took leave of her at the door of her cell. She said she was sorry they were disappointed; sorry they must still come, if come they would, to such an uninviting place to see her; that was all.

Her counsel at once set to work to obtain a new trial.

She said if that was the proper thing to do, she was more than willing to have it done. Surely, there must be some way out of this terrible strait! Surely, surely, the law, and the people, would not allow an innocent woman to die shamefully!

It was a grievous time in the house of Frederic Drayton that day.

All the remainder of the afternoon and evening Paul lay on the couch in the family room, moaning, grasping at his throat, from which he had torn cravat and collar.

Lois came home some time later, and, finding Paul in this state of incipient delirium, she lost all control of herself, and wept unceasingly.

The dinner was a sorry make-believe. It was in vain that Mr. Drayton essayed to comfort his wife and children. Mrs. Drayton was dry-eyed, and silent, save when she sighed:

“Poor Nan! Poor little Paul! Oh, me!”

Years ago she had suffered so deeply that her life had well nigh been sapped away. Since then her body had been so frail—the merest shell to hold

## IN THE FIRST DEGREE

the faithful heart, the patient soul that could not desert husband and children.

Later Philip Hale came in; but Lois's swollen eyes reproached him for looking cheerful in face of such a grievous wrong.

"Why, do you suppose we're going to let this verdict stand? Not by any means. I've just left Mrs. Hammel. She's as chipper as a blackbird in a June cherry tree. I've had a long talk with her, and with Dawson & Fiske. I'll not appear in the case, but have written my father the full history of it. He's seventy years old, and he's had over forty years' experience in law. He knows all phases of it. He'll advise with Dawson & Fiske in the new trial, for, of course, there'll be a new one."

"But if there shouldn't be?" asked Lois.

"I'm afraid there's a small chance of it," Mr. Drayton said. "As far as I can learn, there are no reasons for a new trial. Everything has been quite regular, and there was not the least hint of a disagreement amongst the jurors. It has been told that they were unanimous upon the first ballot, but merely waited a little because the prisoner was a woman."

"Good t'ing dey had dat much 'spectableness!' and there in the corner, close by Paul's head, sat Auntie Cleo. "Wondeh dey hadn't jes' tuk po' Miss Nan out 'n done strung huh right up, kase she's nuffin but a slip of a gal, an' can't help huh-

## IN THE FIRST DEGREE

sef. Dat's de way wid dese pesky men crittahs!"

"Now, Auntie," Hale said, "don't be too hard on the men. We're not going to let anybody hurt Miss Nan." And turning to Mr. Drayton: "I don't know on what grounds Dawson & Fiske will demand a new trial, but they know. There's a growing feeling that Mrs. Hammel has been made a scapegoat, and that none of her husband's people have been to see her is very queer. That they are busy, hard-working people, as Mrs. Hammel says, is no reason. Those keys supply a clew that should have been followed, and it was a great oversight of her counsel that it was not; but Dawson & Fiske seemed to lose their heads in view of the evidence, and this evidence was certainly manufactured by the guilty person, and the State knows it."

"Oh, Philip!" Mrs. Drayton sighed. "Don't say that. Our burden is almost more than we can bear already."

"I beg your pardon! I know, of course—I know, too, that Dan suffered keenly all through the trial. What possessed him at the last is the riddle of all to me. But, in spite of the evidence, with nothing to break its force, the outcome is only what was to be expected. I think Mrs. Hammel's counsel relied too much on the high character and the personal appearance of their client. They expected to work on the sympathies of the jury, but Dan had turned their sluggish perceptions the other way."

## IN THE FIRST DEGREE

"Of course, the keys I know nothing about," Lois said, "but I'm sure I know when Nan lost her handkerchief. If you remember, the evening before election, you and she were to dinner?"

"Yes, I remember perfectly," Hale answered. "Little Fred was here." This with an expressive glance, brought the faintest hint of a smile to Lois's tear-washed eyes.

"That afternoon I saw her in her mother's grounds with Polly. Both were crying, and Nan had picked a bunch of asters. She came home with me from there, and it was in my room that she said she had had an extra handkerchief, and had lost it."

"Doubtless she forgot all about it, and on such a trifle——"

"Oh, what does it matter?" Paul cried, lifting himself on his elbow. "What does it matter, even if Nan had been seen entering her mother's house by the help of those keys? She never did the murder! But the law will murder her! Oh, damn the law!" And the boy, the weakling, the living personification of the law's cruelty, uttered in this malediction the protests of thousands of dwarfed human creatures, dwarfed because of the fulfillment of the law—the law of men.

And who shall say what untoward influences worked this desire for a blood price into the brains of the makers of the law?

## CHAPTER XXIII

"YES, I'll go to the office, mother. Where's the use of staying at home? Oh, why can't I do something to help Nan?"

"Never mind, dear. You and I, and many of Nan's friends, can only hope and be patient. Somebody else will help her actively. You may be sure there will be diligence. I don't know what good Philip expects his father to do, but he's an old man, he knows, perhaps, some of the consequences that have followed his own practice of the law. I'm sure Nan hasn't an enemy in Stillwater, and surely so many friends must save her. We will not cease to hope."

"Mother, what do you think will be the effect of this whole business on Dan?"

"I can give no guess. Dan is not the boy he used to be, and with his headstrong temper and his brilliant intellect, I shrink from anticipating what his future may be, if he keeps on the way he's been going for the last few months."

Paul left the house and went to his father's place of business. There, in the office of the bookkeeper, he had made himself useful for the last two or three

## IN THE FIRST DEGREE

years. Anything like that he could do. He was accurate and neat in his work, but it must be something that was governed by rule. Basil was considered one of the rising young business men of the county. He had been, for the last six or eight years, his father's trusted adviser and general manager. Dan was a brilliant orator, a faultless logician, a sharp debater. Paul only, of the three sons, showed deficiency. He was weak in body, and, in a measure, childish in his intellect. He had always been most sensitive in regard to inflicting pain. He was intensely sympathetic. As a child, he had been known to rush into the street screaming at sight of a teamster striking a horse. In his training of his household pets they never knew the touch of the most harmless of switches.

As he grew older, and read the newspaper reports of executions of criminals, he showed symptoms of convulsions. The family strove to keep everything of this sort out of his sight.

Now the most cruel of all things in civilization, the official murder of a woman, was to take place, almost before his eyes; and this woman one who had been like an affectionate older sister to him when both were children. The thought of it caused the keenest torture.

He tried with all his strength to go through the routine of his work correctly, but at the noon hour he went home, leaning heavily on his father.

## IN THE FIRST DEGREE

"Mother, you must keep this fellow at home. He has a nervous headache!" And as tenderly as he would have assisted a baby, the father removed Paul's coats, arranged the cushions for him, and tucked a slumber-robe over him, on the couch.

His mother watched Paul as he submitted to being cared for. He was blue-white about his mouth, his eyes were sunken, he was so fragile, so almost lifeless. She felt that the end of his record was very near. He had come into existence blighted by the shadow of the law. He would surely go out of life enveloped, smothered, annihilated by a repetition of the horror.

"Have you seen Nan to-day, Lois?" he asked.

"No, dear. I'm going after lunch. Papa's going with me, and we'll probably meet Laura there."

"Frances, too?" he said, without a change of tone. "What a shame it is that she's one of us!"

"Yes; but don't worry, dear, and make your poor head worse. It'll all come right by and by."

They found Mrs. Hammel cheerful, though a trifle paler than she had been.

"So inhospitable," she said. "They won't let anyone inside the door at all; and this wicket is so high! I spoke to the sheriff this morning, and he said he'd see about taking down this solid door and having one with open bars from top to bottom, instead. Dear me! I never would have supposed

## IN THE FIRST DEGREE

a lot of men would take such care of me!" And she laughed in the faces of her friends.

What could they say, in view of such buoyancy? Merely make responses. The prisoner did the most of the talking. Presently she said: "This is club day, isn't it? Of course you're going?"

"No, I think not," Lois answered.

"Why? Is your mother ill? Nothing serious, I hope!"

"Oh, no. Mamma's as well as usual." She purposely avoided mentioning Paul. "But I'm not in trim for the club."

"Now don't lose courage; I'm not going to. Go to the club, if you've nothing better to do, and come and tell me what they say about my prospects." And again her laugh rippled along the corridors, and other prisoners smiled at the unusual sound.

As Mr. Drayton and Lois were about to go, Laura came in, and shook hands with Mrs. Hammel through the wicket.

"How glad I am to see you looking so well," was her greeting.

"There's no reason why I should look otherwise, excepting the monotony of the whole business, and having my correspondence meddled with." And this time her visitors laughed with her.

What the club said and did about Mrs. Hammel's prospects proved to be well worth hearing,

#### IN THE FIRST DEGREE

and the report of the proceedings formed the basis of one of "Joan Stone's" wittiest letters.

In the course of the meeting, when new business was called for, Laura Drayton arose, and, as directly as possible, proposed that, as a club, they ought to do something in the case of Mrs. Hammel. Her own idea was that a petition be sent to the Governor of the State, asking for a commutation of sentence.

"It is not the time now," she said, "to ask for a pardon, but I, as a firm believer in the innocence of Mrs. Hammel, feel that we ought to exert ourselves and have this petition, or memorial, ready to send to the Governor at once, in case Mrs. Hammel is denied a new trial. So I move that a committee be appointed to draft a petition, or memorial."

There was a chorus of seconds, and then the matter was discussed. Laura was astonished and shocked that there should be any faintest dissent to call for discussion.

In the course of the argument she said she could not understand how anyone, and especially a woman, could favor the death penalty, even when the accused was guilty past all doubt, which Mrs. Hammel surely was not.

Some of the objectors were afraid of being suspected of sympathy because the prisoner was a woman. "Now if it was a man," said Mrs. Mason,

#### IN THE FIRST DEGREE

"in all probability we should take no notice of the matter. That is the reason why I do not favor the petition, and for that reason I shall not sign it."

"Because the prisoner is a woman," said Mrs. Macy, "I am in favor of the movement for the memorial. I think I understand women. Men I do not understand. I never can see how they can blunder along and make such barbarous laws as they do. Since they do, I want to do all I can against them."

Another member said—she who had been able at the age of ten to make dresses and cook dinners—that "since women covet all privileges of the laws on an equal footing with men, they should be ready to take the penalties of the laws; and crime obliterates sex."

"Women will not object to the penalties of the laws," said Mrs. Milford, "when they have a hand in determining those penalties. But as long as they have not, I protest against the infliction of many of the penalties, and most especially that of taking life, even when guilt is proven beyond a doubt. In the case under consideration all the evidence is circumstantial, therefore not to be trusted. I protest against it, and my voice is for the petition."

"But," persisted Mrs. Mason, "neither do minors have a voice in the making of the laws, yet they are punished."

"That is no argument," said Dr. Moss. "If

#### IN THE FIRST DEGREE

men make laws that may result in the murder of their sons while they still wear kilts, shall the mothers consent? Say it is right because it is the law, and allow themselves, too, to die shamefully? In this case, a few scraps and patches of circumstances are set up as reasons for taking the life of a woman, a mere girl, whom many of us have known from her infancy. That her conduct under this ordeal is unique, cannot be denied. Still, it is not inconsistent. Anna Dever Hammel comes of a family of strong, strange, eccentric characters. But this, Madam President, though interesting to the student of human nature, and the physician, is not the point under discussion. I call for the question."

The motion for the memorial was carried—not unanimously, but with a large majority. The committee was appointed, a committee of two—Mrs. Milford and Dr. Moss.

## CHAPTER XXIV

THIS committee had not been appointed too soon. Before the next meeting of the club, Judge Ainslee had denied a second trial for Anna Dever Hammel, and had also passed sentence upon her. His action throughout, he declared, was in accord with the conscientious performance of his duty under the law. There was no technical reason for a new trial.

The prisoner had had a fair hearing, an opportunity to break down the evidence of the State. This had not been done. She had been tried by a jury of twelve unbiassed men. Her counsel had worked for her, her friends had stood by her. The verdict had been arrived at, even before the jury left the court-room. "In view of all this," he concluded, "have you, Mrs. Hammel, anything to say—any reason to give why sentence should not be pronounced upon you?"

"Only this, Judge Ainslee," came in a clear, firm voice, "that I am innocent, and you know it, in spite of the evidence. The prosecutor knows it. Perhaps the jury does not know it. These men look as if they knew very little of anything. I have

## IN THE FIRST DEGREE

not been tried by a jury of my peers. But you know, and Mr. Drayton knows, that you are condemning to death an innocent woman!"

As she ceased speaking, Judge Ainslee, with tremulous hands, put on his official black cap, a fitting ceremonial, to cover the seat of intellect with blackness when consigning a fellow mortal to the darkness of the unknown.

"Anna Dever Hammel, the law declares that you be taken from this place to the county jail, to be there confined until the week beginning with the twentieth of January, and that then you be taken, upon a day appointed, and be hanged by the neck till you are dead; and may the Lord have mercy upon your soul!"

The words cut through an awful stillness. The breathing of those present was plainly heard. Mrs. Hammel stood motionless as a statue, her dark eyes riveted on the face of the judge.

Her counsel stood near her, the sheriff was almost touching her. Several reporters were watching every movement, catching every word, noting every light and shadow of the scene.

Prosecutor Drayton, not less pallid than the prisoner, stood in the background with downcast eyes. Suddenly a slight sound in the gallery caused him to look up. There sat Frances, staring alternately at him and the prisoner. He turned abruptly and left the room.

## IN THE FIRST DEGREE

The voice of the judge had but died away, and Sheriff Kimball merely touched Mrs. Hammel's sleeve, to signify that she must go to her cell, when she sunk to the floor and lay there, a huddled heap, her forehead striking the tiling.

Instantly all was confusion. Judge Ainslee sprang from his place and lifted her, waving his arms to those who had come out of curiosity, and who now crowded about her.

"Stand back!" he commanded, and he wheeled the chair in which he had placed her near a window, which he threw open. A reporter brought a glass of water, and a morbidly curious woman opened a fan. A dozen or more women were present, and just before the dark-veined lids lifted another one hurried in, and the face of Mrs. Drayton was bending over the condemned as she regained consciousness.

"Stand back, Judge Ainslee!" Mrs. Drayton said in a fierce whisper, as he offered his hand. "Do not dare to offer me the hand that is stained with murder!"

"Pardon me, Mrs. Drayton, it is the law, not I."

"An honest man, a man who is not a wild beast in human form, will not represent the law that kills."

"Your son, madam, has done this. Visit your wrath upon him."

"I know, and I do. He has thrown aside my

## IN THE FIRST DEGREE

counsels. He has succumbed to the influence of a she-wolf. Even my love cannot forgive him without full repentance and the giving back of this life."

Then tenderly she took the prisoner in her arms and held her in silence. It was but for a moment. Then Mrs. Hammel, lifting her head, gazed steadily into the eyes of her friend.

"Too bad," she said, "that you should grieve for me. I've been so sure of acquittal; but, at the same time, I've felt that it didn't matter so much what happened to me. I've no relations to be grieved and disgraced, but——" and her eyes wandered to the window, and she gazed out over the snow-covered lawn that surrounded the Court House, where she had played amongst the old oak trees as a child. It was a clear, frosty day, ideal weather for the coming Christmas. Mrs. Hammel paused, and her eyes grew misty.

"It's so beautiful to be alive I thought I'd be free before the holidays, but I'll not, and the Hammel family won't mind it so much—not as—if—it had been—Jack."

Her bravery had returned, and she was led back to her cell, the sheriff, her counsel, Mrs. Drayton, and several other friends accompanying her.

It was the greatest sensation the town, the county, or the State had ever experienced. There was nothing talked of in Stillwater but the murder, the trial,

## IN THE FIRST DEGREE

the conviction. Those who had believed in the innocence of the accused still believed. Those who professed to have reasons for believing the verdict just had little to say. The horror of the matter was too great. If Mrs. Hammel had been sentenced to a long term of imprisonment, even for life, those who believed her guilty would have held up their hands, and exclaimed, "O wise judge!" But, to sentence her to be hanged—that was giving more justice than was really desired. It was a surfeit, and in the recoil there was no dissent on the corner of the street. One evening, when a party of workingmen met by chance, the Dever tragedy came under discussion, and a stalwart young mechanic yelled: "Let's test the rope first with old Judge Ainslee or Dan Drayton!" So far from being dissent, the remark met approval, and there was shouting through the streets, and cries of "Hang the judge!" "Hang the prosecutor!" "Don't hang the woman!"

Mr. Drayton, passing homeward from a meeting of the Town Council, heard these shouts, and he set his teeth hard. It would be a terrible thing, and yet he felt a gladness that this sentiment was abroad. Other deaths by violence the town would not see, but this one, ordered by the law, would not take place. The people would surely prevent it, in spite of the law. He went on to his own home, and his account of the small demonstration slightly

#### IN THE FIRST DEGREE

lightened the gloom that was more than the bitterness of death.

In the home of Dan Drayton there was quarrelling such as had never been before. Frances had heard the words of her mother-in-law to Judge Ainslee. It had been sufficiently galling for her to see her husband's evident suffering on that day, and then, added to this, was Mrs. Drayton's harsh expression, in public. She had sought most earnestly to influence Dan against the wishes of his own family. She had had an intense craving for their acknowledgment of her influence. She fancied her triumph when she should see them standing aloof, confessing her sway above their own. The acknowledgment had come. She had received all she had desired. She could say most honestly:

“I have longed, and I have had my will;  
\* \* \* \* \*

And I have nothing left to long for now.”

Mrs. Drayton had acknowledged the sway of her son's wife.

The wife had heard it. The words could not have been plainer; but, like the answers to many prayers, the fulfillment of many desires, there was no satisfaction in it. For a few days the bickering went on between the husband and wife; but the growing public sentiment, Dan's knowledge of the illness of Paul, and his mother's overpowering

#### IN THE FIRST DEGREE

grief, to say nothing of his self-condemnation, so wrought upon him, that he sat one evening in silence. He was too broken-spirited to give back taunt for taunt, snarl for snarl. Then Frances stormed:

"Sit there like a dolt! I'd rather be a wolf than a fool, or give birth to one!"

Dan lifted his heavy eyes and answered:

"This has gone far enough. I am the fool, born of the best woman the good God ever made. I'll be *your* fool no longer! I see now the beginning of this day. Oh, if I had been in position to defend Nan, to take the matter up at the start, she'd never even have been indicted. I say it now because I'm going away, out of this house. Procure any counsel you choose, at my expense. You and I are two."

He went into the hall and put on his overcoat, and came back with his hat in his hand.

"If you have anything to say to me that cannot be said through a third person, you'll find me at the Stillwater Hotel."

He opened the door, glanced back to say "good-night," and was gone.

Frances was too much astonished to realize at once what had happened. For some minutes she sat in silence. She was sure that Dan would return almost at once. Every instant she expected to hear the key in the latch; but there was a light tinkle of the bell, and she went to the dining-room.

#### IN THE FIRST DEGREE

The girl waited; and Frances, seeing that she looked expectantly toward the parlor door, said:

"Mr. Drayton had to go—to—his office on an errand. I'll not wait." And the dinner was served.

Frances could not believe but that Dan, after cooling his anger by a walk around a block or two, would come in and find her, not in the least disturbed by his threat. She was prepared to receive him with her loftiest manner. She even decided on the exact words she would say. For one thing, she would call him Mr. Prosecutor, and ask him if he had been to call upon his mother. She would say, too, "Is the old lady pining to see me?"

That much was certain whenever he came; but she ate her dinner very leisurely, much to her Abigail's disgust, who was fuming to get her work done so that she might go to the kitchen next door and compare notes about—everything that had happened in the two families for the last twenty-four hours. But, dawdle as the lady would, she had to finish her dinner at last, alone. Alone she sat all the evening.

At eleven o'clock she said to herself that Dan must have been in earnest. She went, as usual, to the back part of the house to see that the maid was in and the doors secure. This evening the girl eyed her sharply. She had had her regular gossip with her "lady friend" next door, and her friend's friend had called. This caller was a waiter from the Still-

#### IN THE FIRST DEGREE

water Hotel. He reported that he had been "regularly kerflumoxed by Mr. Dan Drayton comin' to the hotel an' takin' a room, an' then marchin' into the dinin'-room an' orderin' dinner. I waited on 'im myself. He didn't eat so very much, but 'e made up a respectable average with drinks—just plain brandy an' vichy, an' 'e took 'em all through 'is dinner. I left 'im talkin' in the office to an old feller, Lawyer Hale's father, who'd come on the six o'clock Eastern express. An' I'll tell you, ladies," he said confidentially, "Papa Hale's a reg'lar swell. He has a man with 'im to wait on 'im, his valley he calls 'im, an' that's right; where there's two hills there's commonly a valley, an' ef Phil Hale an' 'is pa ain't two high-headed swells, then my name ain't Clarence Marks."

In view of this information the servant regarded her mistress narrowly. She felt sure she could see confirmation of Mr. Marks's story in Mrs. Drayton's manner. She even cast a prophetic glance toward the end of the long story of which the key-holes of the house, and many unavoidable positions she had occupied as maid-of-all-work, had supplied many chapters.

Frances said: "Be sure the doors and windows are secure. Since that dreadful Hammel woman is in the town one cannot be too careful."

Kitty responded respectfully:

"Yes, ma'am, an' I guess some folks 'll be awful

IN THE FIRST DEGREE

glad when she's swung off. I know some 'at will, any way."

Kitty told her friend next day that she believed that was as good a joke as any Mrs. Hammel put into her letters, but "Mrs. Drayton never tumbled to it at all. She's awful stupid."

## CHAPTER XXV

IT was a few days after Mrs. Hammel had received her sentence, when Philip Hale called on Mrs. Drayton, in the afternoon, to ask permission to bring his father to meet the family in the evening.

They came, and Mrs. Drayton met face to face the man whose decision in a murder case had made the tragedy of her own life. As he clasped her hand and spoke a few formal words in answer to her own, his eyes wandered from her face to Paul, and an expression of sympathy drew heavy lines about his mouth. He stood by the invalid's chair and touched his hands, murmuring words of kindness and hope.

Paul had not been out of the house for several days. His strength was barely sufficient to enable him to walk about the lower rooms.

"My son has told me all about it, Mrs. Drayton. Ah! it is hard to pray 'Father, forgive them, they knew not what they do!' If we could but know, or, even knowing when it is done, if we could in any degree make reparation—but the consequences of what we do are eternal."

## IN THE FIRST DEGREE

He stood by Paul, who seemed only half conscious much of the time of what was passing about him. Then Philip said:

"Father, here is Lois."

"Ah, yes—Lois. With Phil's permission." And he kissed her forehead.

By and by the one absorbing topic was brought up by Judge Hale. He said softly to Mrs. Drayton:

"Will it disturb your son? Would we better wait until some other time?"

Low as it was spoken, Paul heard, and understood.

"No! no!" he said eagerly. "That's what I want to hear. If you can only help Nan, it will be the best work you ever did in your life. Please go on."

With the exertion of speaking his head sank forward on his breast. His mother placed it on the cushions, and his father tilted the chair to hold him so. The spasms in his throat were growing more violent as his strength waned, and they seemed at times to stop his breath.

All the phases of the tragedy were talked over. Judge Hale had the story from his son, and he had the purely legal side of it from Dawson & Fiske; but the most valuable notes of all he had received from Prosecutor Drayton.

One view of the case he said nothing about. This

## IN THE FIRST DEGREE

was the view his man Peters had supplied him. Peters was voted by "the help" to be by far the jolliest guest the Stillwater Hotel had entertained for a long time. He had been in the house but a few hours when he had struck up a friendship with the head waiter, and he proposed to that dignitary that they go to the next best hotel in the town and see the girls. The invitation was accepted, and together they went to the Ross House.

There Peters ingratiated himself with the special friend of the waiter. She also was at the top of the ladder, being first chambermaid. Peters called her "First lady of the bed chamber." Another one of the maids, happening to come upon the three in the pantry, where they were making themselves hilarious over ginger pop, Peters insisted that she join them. He adroitly led the conversation to the Hammel case; said he had heard the condemned woman used to live at the house. This was at once confirmed by the trio. Next he asked if the rooms formerly occupied by Mrs. Hammel might be shown him. There was ready assent, as the rooms were vacant.

The four proceeded upstairs, and Peters was full of interest at once.

"Now," he said, as he peered about, "hif I c'u'd only find some trifle 'at b'londed to Mistress 'Am-mel, Hi'd put hit into the Museum in Boston. Hever been to Boston?" he asked, turning to the three.

## IN THE FIRST DEGREE

Not one of them had ever been there.

"Well, ye see, in this museum they 'ave hall sorts o' curiosities; with the names of the people who put 'em there. Ef I c'u'd unly find something of Mistress 'Ammel's, all our names'd be there along with the rest o' the swells."

This was a glimpse of possible fame, and the rooms were thoroughly searched. But, after all these weeks, after they had been renovated in the fall house cleaning, and since then occupied by other guests, the search, very reasonably, proved fruitless.

Still, Peters was much interested, and when told that Mrs. Hammel had a husband, who had been there for some time, he said: "Oh, yes; so she had a 'usband. Poor fellow, 'ow dreadful he must be feelin'!"

He asked all sorts of questions about Hammel, and his new friends gave him many chapters of domestic history, as they saw it in the behavior of their guests. The two girls agreed that Mr. Hammel was a handsome man, but no good. Still, they said he was sick, and it had seemed to them a heartless thing for Mrs. Hammel "to pack 'im off to Chicago when he was hardly fit to be out of bed."

"Well, now, let me tell you," Peters said, and he glanced expressively at Jenny, the "second lady of the bed chamber," "hif Hi'd a pretty wife, an'

#### IN THE FIRST DEGREE

she sent me hoff like that, Hi'd come back on the next train."

"That's jest what everybody thought he'd done," Jenny declared. "Sam Good said he seen somebody in a long ulster go up the stairs the night of the murder; but it turned out to be Mrs. Hammel in a mackintosh."

Though there were no mementoes discovered for the Boston Museum, Peters expressed himself delighted with his visit, and said he would be glad to come again, if he had permission from a certain person, and he winked at Jenny, and nudged her elbow with his own.

With a toss of her head, Jenny guessed he "needn't stand on so much ceremony, but come when he pleased, and her night out was Thursday, and—"

He finished for her: "All right. A wink's as good as a nod to an auctioneer, and my father was one."

Jenny confided to her "superior" that though she "nat'rally despised Englishmen, still Peters ain't so bad, an' sometimes he talks without a bit of brogue."

An evening or two later, when the new friends of Peters were thinking it took him a "long time to put his old man to bed," said old man, his son, and Peters were sitting together, with closed doors. Peters was doing most of the talking, and though

#### IN THE FIRST DEGREE

he still bore some resemblance to the Americanized Cockney servant, his general appearance, his speech, and the expression of his face were those of a man of affairs, a citizen of the world.

"No," he said, "there's nothing to be done here. Chicago's the place, and those Hammels are the people. Not one of them put in an appearance at the trial. Mrs. Hammel's had no letters from Chicago excepting from her publishers. A fellow's got to be pretty low down not to come forward with some little show of human feeling when his wife's tried for murder, especially when the victim is his mother-in-law. These alleged lawyers, Dawson & Fiske, are blacksmiths, farmers, dealers in junk—anything but lawyers!"

"Whatever is done must be done as soon as possible," said the elder Hale. "Judge Ainslee has but scantily kept within the limits of the law in the time he gives the prisoner."

"It's a nasty business," Philip said, "and I suppose he thinks the sooner it's over the sooner the community will get over the shock of it. How soon will you go to Chicago?" turning to Peters.

"What do you think, Judge? I'd like to get the girl out by Christmas."

"You speak confidently."

"I speak as I feel—as I know. If I once get my fingers on that man Hammel, and—— The

IN THE FIRST DEGREE

whole family can't go into hiding. It's the general story that he's quite an invalid."

"Yes; when he left here I wouldn't have given him six months."

"So much the better if he's the principal in this business; but I hope he's still on deck, with breath enough to last till I run him to cover and make him give an account of himself."

"Will you go to Chicago, too, father?"

"Yes. I may be useful in the way of hurried depositions and such matters. I haven't been in Chicago for—ten years, and I feel that I must keep moving. This family of Draytons—they haunt me. Such blunders as we make sometimes in our zeal—for—our own advancement."

"It was not wholly that in your case, was it?"

Judge Hale hesitated.

"It looks to me now as if it had been. Of course, at the time, I felt that I was only doing my plain, disagreeable duty. It was in my day's work, right enough. I was just home from the Civil War, when I was elected to the office of Governor. I sailed through the campaign with a halo of military glory. Of course, I was; at that time, a lawyer of—fifteen years' experience. I knew the law, and in the case of Mrs. Parks it was plain. According to the law there was no reason why she should not suffer the extreme penalty. I *could* have saved her life, and—I—did—not. I think my four years in

#### IN THE FIRST DEGREE

the army had blunted my sensibilities. The sight of death in horrible forms was common to me, and if I had not been enlightened in many ways, I'd have forgotten, in a measure, the episode of Mrs. Parks. But this enlightening has come to me in so many ways, and the light keeps on coming. It's a long lesson. It crops out in so many unexpected places. The worst of it is, every time the case comes up, my lack of mercy, of common human feeling, is shown in a clearer, stronger light, and the fact that I can make no reparation grows harder to bear. I think, Peters, I must get you to look up that sister of Mrs. Parks, but I don't even know her name. She adopted the child—Mrs. Parks's baby—a girl, if I remember rightly—and I'll see what can be done for her."

"All right, Judge; but let's first get this other woman out of the noose. When this is well done I'm your man."

"I think, father, if you succeed in saving Mrs. Hammel, you will reach a long way toward being forgiven by Mrs. Drayton."

"Ah! but that boy! How can she forgive me? How, even, can an infinite God forgive me? I never saw such a distressing spectacle as that ill-made, gasping boy. I sincerely hope we'll have this friend of his released while he can know it."

## CHAPTER XXVI

IT was only in accord with established usage that Philip Hale made a daily call upon his fiancée; but these calls were looked forward to, and longed for, by Paul, much more impatiently than any girl ever watched for her lover.

Philip responded in most brotherly fashion to the demands of the invalid. After the going away of Judge Hale and Peters, Paul grew quieter, but sometimes his silence seemed to the anxious watchers the effects of weakness and hopelessness.

He lay upon his couch the greater part of the day, and it was in vain that the family and friends endeavored to interest him in ordinary things, or draw his mind from brooding on the situation of Mrs. Hammel.

When Philip came, Paul's agitation was most painful until he had been told all that had been heard from Judge Hale. This news was necessarily most meager. The detective had learned that Jack Hammel had reached Chicago in due time after Mrs. Hammel's telegram to his father, but within a few hours he had a message, signed Anna

## IN THE FIRST DEGREE

Dever Hammel, recalling him to Stillwater. That was all that the family knew. Of course, they had heard of the murder, and the trial, and all that, but where Jack was they could not, or at least would not, say. They professed entire ignorance of him, and Peters said he believed they spoke the truth. Not only this, he felt sure that each and every one of the family hoped they never would know anything more of the scamp of their circle.

Still, they were watched closely, shadowed in their goings and comings, but without results.

These days with no encouraging news, no prospects for the release of the prisoner, were most torturing to Paul.

There were no preparations for Christmas amongst the Draytons, and, in fact, all the town seemed only to half realize that the holidays were near. When it became known that Judge Hale was in Stillwater, in the interests of Mrs. Hammel, the feeling against Judge Ainslee and Dan Drayton was increased.

The judge never appeared on the street without hearing words that threatened, and Dan Drayton received many wrathful letters, both through the mails and left in his letter-box at the door by persons unknown. Sheriff Kimball was warned that a second rope was in waiting for him if he dared to execute the sentence of the law upon Mrs. Hammel.

## IN THE FIRST DEGREE

It was said openly by the most respectable and law-abiding portion of the townspeople that if the execution took place at all it must be in secret. This could not be. The law provided for and required a certain degree of publicity, and if once it became known that the necessary preparations were going forward it was feared there might be a riot.

When it became known that Dan Drayton had quarreled with his wife on account of Mrs. Hammel the feeling toward him was slightly modified, but he still received scant courtesy, here where he had always called every man, woman, and child his friend.

It was the Sunday after the final quarrel between Dan and Frances that Paul insisted that his mother should go to church.

She had been with him constantly, and she, too, was growing weak and shadowy.

"Please go," Paul coaxed. "I'll be glad to think of you being there. Uncle Zeke can stay with me, and we'll talk over all the time when Nan was such a pretty little girl. And please, mother, bring Phil home with you. I do hope Dan and Frances won't come!"

This last hope was realized. Neither of the two was at church; and when Basil, drawing his mother's hand within his arm, started home with her, she said:

"Do you know anything about Dan?"

## IN THE FIRST DEGREE

He answered with an account of the quarrel as he had received it from his brother, adding:

"I saw Dan this morning at the hotel. I told him of Paul's illness, and he thought he would better stay away to-day, and I think so, too."

"Such a shame that our family should be so divided! What ever will become of Dan?"

"Oh, he's all right; that is, in health; and I think it's an encouraging sign that he has rebuked Frances by leaving the house. They'll make up by and by, and the whole occurrence may prove a lesson for both. She oughtn't to expect to cut out his work for him, irrespective of all the years of his life before he met her; and he should have been man enough to teach her her place, since she didn't know it. He is really the one to blame. He had had the home training, the drill in correct living. She knows nothing of this—doesn't understand her own position at all."

"Such a pity!" sighed Mrs. Drayton.

"Don't worry," Basil said cheerfully, giving his mother's hand a warm clasp as it lay on his arm. "If Daddy Hale and his man get Anna out of her trouble, things in that direction will be smooth, and Dan may give thanks that his ambitious blunder is rectified and then start newly. Phil's a fine fellow, isn't he?"

"Yes. He's been our rock of strength lately,"

## IN THE FIRST DEGREE

and Mrs. Drayton really laughed. "Paul watches for him much more impatiently than Lois does."

"Oh, Lois! She's like all the rest of the girls—good at playing indifference. If Phil should fail to show up some day, our royal lady would fly her true colors."

"I hope he'll not fail—on Paul's account. Lois is strong, and able to bear all that may or may not come to her; but poor little Paul——"

They had reached the home gate, when the street door opened, and the young man in question came down the walk and met them.

"So you've been with our poor boy?" Mrs. Drayton said, clasping his hand.

"Yes. I had some news that I thought would brace him up, and I came to him for an hour instead of going to church."

"But don't go away now! Come in with us for dinner. I'm afraid Auntie has been an indifferent hostess, to allow you to go."

"No, indeed. Auntie was most pressing in her invitation, and so was Uncle Zeke. I came away by force; and with thanks, I'll not go back now, but come again later. I expect more news from Peters any hour, and Paul must have it as soon as possible."

While they talked, the rest of the family arrived, and to them, all together, Philip gave in a few words the news from Chicago that he said Paul had

IN THE FIRST DEGREE

had in detail. It was only that Peters had learned enough of Jack Hammel to warrant him in the belief that he was in that city.

"He's a most reliable man, this Peters, so my father says, and within the last few years he has assisted in some of the most notable cases in the cities of New York, Philadelphia, and Boston. He'll do the work, I'm sure."

## CHAPTER XXVII

AT the next meeting of the "Daughters of Endeavor" there was a stormy session. After the usual formalities were disposed of in the regular line of business, the reports of committees were called for. There had been but one committee appointed at the last meeting, and that one, for the drawing up of the Anna Dever Hammel memorial, was invited to report.

In answer, Mrs. Milford arose and read a few plainly expressed but comprehensive reasons for setting aside the death penalty for crime. More especially in the case of women was this law unjust. Women, being the mothers of the race, and being debarred from any share in making the laws, they were certainly entitled to some clemency on the part of those who made and administered these laws. Mention was also made of the fallibility of circumstantial evidence, and the well-known irreproachable character of the condemned woman. The petition asked that the extreme sentence be changed to life imprisonment, so that if the prisoner should, in the near or remote future, be proven

#### IN THE FIRST DEGREE

guiltless, she could be released; and, though suffering this injustice, still the law would not bear the stigma of murdering the innocent.

As soon as the reading was finished the storm broke. The president was at her wit's end. Parliamentary law was broken to bits and cast to the winds. Mrs. Mason was most severe in her denunciation of the matter contained in the memorial.

"No mention should have been made of sex," she declared. "We don't want to save Mrs. Hammel because she's a woman, but because she's a sinful creature, and unfit to die. Her crime obliterates her sex——"

"But," Mrs. Milford interrupted, "we have said distinctly that we do not believe her guilty, as charged."

"I *do* believe her guilty. She has expressed herself here in the presence of these ladies as no Christian woman would, and a woman who is not a Christian has no scruples to prevent her committing any and all crimes."

"Madam President!" said Dr. Moss. "I, as one of the committee appointed by you, and others of the society, to draft this memorial, protest against the expression of such sentiments. They are both unchristian and unwomanly. No one here will be compelled, nor need feel under the least obligation, to sign this petition. My understanding was, and

#### IN THE FIRST DEGREE

still is, that the committee appointed should speak for those who believe, as we do, that the death penalty is barbarous, and most especially cruel where there is the least possibility of innocence. Still, more abhorrent and unjust is the death penalty when a woman suffers it."

"That is the point to which I most object," Mrs. Mason retorted. "The Governor 'll say we're a lot of strong-minded women clamoring for suffrage, and doing many other unladylike things. I cannot consent to put my name to the instrument as it stands, nor do I approve of sending out such sentiments as the expression of the 'Daughters of Endeavor.' I, as a charter member of the club, have a right to be heard."

As she sat down the president said: "The claim of being a charter member is something to be proud of in an organization that has held together for the mutual improvement of its members for ten years, but our constitution makes no provision for special privileges for charter members. They have a voice and vote in all proceedings, but no more than that. The member who paid her initiation fee last week has the same rights and privileges."

Next Lois arose, and in her masked-battery fashion very quietly said:

"Madam President! In reference to what the last speaker before yourself said in regard to the Governor's possible opinion of us, though it is only

#### IN THE FIRST DEGREE

a guess, I am sure we'll all be gratified if the guess proves correct. Personally, I shall be very glad if I know to a certainty that the Governor thinks we are in our right senses, and have sound, strong minds. Of course, he knows, and we know, that there's a hospital in the State for feeble-minded folk, and we know it's very much crowded. I should be deeply mortified if he should suppose that the overflow was to be found here in Stillwater, under the name of 'The Daughters of Endeavor.' As to being suspected of wanting the ballot, I see no reason why a woman should be censured for wanting it, nor derided for achieving it, if she can. It was not a woman who wrote 'Man wants but little here below,' and the man who wrote it made a great mistake, or a deliberate misstatement. I most heartily approve of the memorial as it stands. No one here knows the subject of it better than I do. I wish to sign it, and in case all other means fail, I am ready to go to the Governor and beg of him the life of Anna Dever Hammel."

"Madam President!" said Mrs. Simcoe. "I think it a great mistake that we ever touched this subject. I fully agree with Mrs. Mason. Crime obliterates sex. Mrs. Hammel has had a fair trial. She had the services of two good lawyers, before an unprejudiced judge, and the jury was most carefully selected. I'll not sign the memorial."

"Madam President!" came the clear, strong

#### IN THE FIRST DEGREE

voice of Dr. Moss. "The one great reason why the recent trial of Mrs. Hammel has looked to me like the veriest burlesque, the broadest farce, is that the law expressly provides that the person accused shall be tried by a jury of his peers. As long as the pronoun is masculine, it's all fair; but I deny that any woman in the United States was ever tried by a jury of her peers. Most especially was not Mrs. Hammel. We all know her. We know what her abilities are, both natural and acquired. We know of her brilliant intellect, her wit, her sound good sense, her cultivated judgment. Add to this her beauty, and she has but few peers among women, while she shines as far above the average man as a star is beyond the power of the frail tallow dips that some of our members told us about last spring. I only hope that the Governor will have the sense to see how strong-minded and how level-headed are the women who sign this memorial. He would have no trouble in seeing us clothed in all manner of womanly excellences if we were voters."

The debate went on for an hour, and many bitter things were said with but the thinnest pretence of not meaning to be personal. Anxious as she was, Lois wished many times that Mrs. Hammel could have been there to hear the discussion. Such a letter as she could have made of it.

As the meeting adjourned, and the members took their several ways, Lois and Laura met Philip Hale

## IN THE FIRST DEGREE

a few steps from the door. He seemed to be waiting for them.

"Come with me to see Mrs. Hammel," he said.  
"Will you go, too, Mrs. Drayton?"

Laura declined. She was to join Dr. Moss and go home with her for tea.

"How much I wish poor dear Nan could have heard the discussion to-day," Lois said, as she and Hale walked away together. "Much of it would have hurt her, but she'd have dished it all up together so beautifully."

"How do you think this will answer the purpose, when translated?" And Hale took a note-book from his coat pocket and flipped over the leaves, that were covered with shorthand hieroglyphics.

"Oh, Phil!—how did you get it?" And Lois took the book from his hands and turned the leaves. "I know but little of shorthand, but enough to see that this is a full report of the debate. How *did* you get it?"

"Mrs. Milford was kind. She let me the room above the parlor, for this day only. There's a register there that gave me the discussion as distinctly, almost, as if I had been with you. Oh, that Mrs. Mason, and Mrs. Simcoe! What half-made, heartless things they are! It's laughable, and yet, to hear them makes me wonder what civilization has been doing all these ages."

"How did you ever come to think of doing this?"

#### IN THE FIRST DEGREE

"Yesterday I was talking with Mrs. Hammel, and she said she'd like so much to have the minutes of to-day's meeting for a letter. I told her of my expertness in shorthand, and as I felt sure I could not get into the meeting, or if I did get in, I'd be an extinguisher, I consulted Mrs. Milford. She said first it looked a trifle traitorous, but she considered it was not for myself, and there was no great amount of rhetoric necessary. She came to think it a great lark. So did the parson. He was with me."

"Mrs. Mason won't like to be reported so fully, I know. She said some very foolish and some very merciless and unwomanly things."

"She shouldn't say what she doesn't want reported. I felt as if I ought to call down the register, 'A chiel's amang ye, takin' notes, an' faith he'll prent it.' "

## CHAPTER XXVIII

THE bright winter days swept on too swiftly for the anxious ones who were working and hoping for the release of Mrs. Hammel. The prisoner herself, to those who saw her constantly, bore her situation much better than did some of her friends. She was constantly occupied. Her guards said she was always busy: reading, writing, drawing illustrations for her work. She was not allowed sewing conveniences, and for these she said she cared but little, excepting as a change.

Sheriff Kimball had removed the solid door of her cell, and replaced it with one made of bars. While this was slightly irregular, he said it would give the watchman a better view of the prisoner; and she was in all ways so entirely reasonable there was no fear of trouble.

It was only in the letters of "Joan Stone" that the condemned one showed what was in her mind as touching her situation. In these letters she poured out every logical reason why a suspected person should not suffer the extreme penalty of the law on circumstantial evidence. She told of all the limita-

## IN THE FIRST DEGREE

tions and the disabilities that meet a woman who is so bitterly unfortunate as to fall under suspicion. She gave vent to her sensations, her dreams, her thoughts and fancies in times of depression.

In these letters she laid bare her very soul. The world should have what it had never had before—the thoughts and feelings of a cultured, gently-bred woman, in prison awaiting a horrible death. Circumstances had entrapped her. Some other woman might be entrapped in the same way. To this other woman, or to a hundred women, she told what they would suffer.

It was a few days before the beginning of that last week that in one letter was said:

“Does this look like weakness? Will it be taken as an evidence of guilt to say that sometimes this horror that is coming to me is likely to drive me mad? Death in itself is terrible. Let anyone, in the full enjoyment of health, with a reasonable prospect of living for many years, suddenly face death only in thought. You who are young, or only middle-aged, sometime, when you lie down at night, fancy how it would be if you should never rise again. Think of lying straight and immovable, hands folded, light and air shut out by the earth piled above. Think you are dead, or will be before morning. It is horrible! But the relieving thought forces itself upon you: I shall be ill, and cared for by my friends. I shall lose consciousness gradu-

#### IN THE FIRST DEGREE

ally. Faces of loved ones will grow dim, dimmer, and at last darkness. Sounds will grow faint, fainter, then silence, rest, peace. But, when at night I lie on my cot, there is ever present the thought that, on some day, very soon now, men will come into my cell to take me out and kill me. I can fancy it all. They will look at me as a woman who has done such a monstrous thing as to be unfit to live. They will stand and wait, not patiently, but stolidly, for me to rise, perhaps from this table whereon I write, and go with them, out through the door—somewhere, I do not know where; but I hope it may not be into the blessed light of day. An act like this should be done in the dark, as was the other murder.

"If I should be told that some night, when I am asleep, the guard is to come in and shoot me to death, my horror would be less, the ignominy would seem diminished. As it is, I cannot bear that anything shall touch my neck, especially at night. It may be because then I cannot work, or read, and keep my mind occupied, that impressions are more vivid. Even when I sleep, if the bed coverings, or the collar of my nightgown, drags loosely against my throat, I waken, trembling with horror.

"It is only human nature, I am sure. Human nature, outraged, is capable of more suffering than can ever be put into words. Language is inadequate; it is heavy, unwieldy, and it is no wonder

#### IN THE FIRST DEGREE

that so often the human, in the extreme of suffering, breaks into senseless ravings. But how one can suffer and still be calm! Old Lear understood it when he curbed his thoughts and groaned: 'That way madness lies!' The real murderer of my mother does not deserve to suffer so. A man who could commit such a deed would have the hardihood, the general make-up to bear the consequences. The punishment would be a part of the crime. I say a man; because I know it was a man who murdered my mother. If asked for my reason, if told to say how I know, I answer: It is only a woman's reason. I know because I know."

This letter was published in two city dailies, one in the East, the other in the West. They were copied far and near, sometimes entirely, sometimes in scraps and pickings.

Public sentiment was setting so strongly in favor of the prisoner, Sheriff Kimball feared there might be a rescue from the scaffold, if not sooner. His constant hope was that Judge Hale and his detective would discover something—anything to relieve him of his responsibility.

His mail was burdensome with letters of warning, and the most significant fact was, these letters now were, in but few instances, anonymous. To these he paid sufficient attention to card each and every one of the Stillwater newspapers, as well as those of the towns and cities where letters were

## IN THE FIRST DEGREE

mailed, to the effect that he was but the last actor in carrying out the demands of the law. He had not set the great, cruel machine in motion. It was true, as some of his correspondents averred, "he did the dirty work," but it was the prosecuting attorney, the grand jury, the judge on the bench, the Governor of the State, who cut out this work for him.

The people who were threatening the sheriff were advised to use their ammunition for bigger game. Evidently the bigger game had its own share of obloquy. Judge Ainslee and Dan Drayton felt more keenly the disapproval of the general public. The jury had been made up from outside towns, and if one of the twelve men was seen on the streets of Stillwater he was made to feel that he had not only done a stupid thing, but a wilfully wicked thing as well.

It was the middle of the week preceding the beginning of the last one for Mrs. Hammel. Basil Drayton was just entering his own gate when Frances, closely veiled, spoke to him :

"Will you let me go into the house with you?"

"Surely!" And he held the gate open for her to pass. They entered the house together. Laura met them, and greeting Frances most cordially, put her into a chair before the fire and removed her hat. She was startled by the change in the face of her guest. Frances had avoided meeting any of her

#### IN THE FIRST DEGREE

husband's family since Dan had left the house. The servant had strict orders to admit none of the Draytons. Now, of her own accord, she had come to Laura and Basil, and at an hour when she knew they would both be at home.

"You are ill," Laura said tenderly. "What a shame that you've kept it all to yourself!"

"No! no! I'm not ill! But—oh, Laura! oh, Basil! I'm so miserable! I'm so frightened! Look at these—every day they come! I send them to Dan, and, after reading, he sends them back to me. What can I do?"

She took a parcel of letters from her handbag and let them fall loosely on her lap.

Basil picked up one and glanced over it.

"Yes, I see. Dan has shown me several, and they are all about the same as Kimball and Ainslee get. You've seen Kimball's cards in the papers?"

"Oh, yes—and poor Mrs. Kimball is nearly out of her senses. Oh, that miserable woman! I wish she had stayed away! Of course, any fool would know she never killed her mother, but there was nothing else to do but convict her!"

"Frances," Basil said, "there's no special need of your worrying about this. It's going to work out all right. Probably you know that Judge Hale and Detective Peters have been working independently on the case for some time?"

## IN THE FIRST DEGREE

"I knew they'd been here, but they've gone away."

"Yes, but Phil hears from his father every day. The last news was, they're sure they're on the track of the murderer, and if they don't run him to cover now very soon, there'll be a stay of proceedings. Really, the people will never allow this execution to take place. I'm sure of it. So is Kimball."

"But, you see, the attitude of the people is the worst of all. Everybody is sure she's innocent; and here's Dan, and Judge Ainslee, and Sheriff Kimball being accused of murdering an innocent woman. You see how these letters threaten to burn the house and hang Dan by the light of it, and—oh, I must go away! If they do these things, I don't want to be here to see!"

"But, dear," Laura said, "this will surely all be settled now very soon. Mrs. Hammel will be released, and then, of course, everything will be right, and pleasant again."

"Oh, but don't you see? There's no place for us in Stillwater, even if Dan should ever forgive me!" And she covered her face with her hands, and sobbed.

"There, dear! there, dear!" And Laura knelt beside her chair, and, clasping her in her arms, patted her shoulder as she patted and soothed Fred. "I'm sure Dan will forgive anything you've said

#### IN THE FIRST DEGREE

or done, as soon as he knows you care to be forgiven."

"Of course he will, and be mighty glad to," Basil said stoutly. "But, come—cheer up, Frank, and have some dinner. You're worn out with your worries, and probably haven't eaten anything for a week."

Frances wiped her eyes.

"It sounds so friendly of you to say 'Frank.' "

and she looked at Basil with a sickly smile.

"*Does it?* Now, do you know, I like it immensely. Last summer, when your mother was here, I meant to call you Frank, but no one else did, and I thought maybe you didn't like it."

Under the stimulus of the kindly words of Basil and Laura, Frances felt much of her burden of apprehension dropping away. When dinner was over, Basil said:

"Now, Frank, I'm going to see how Paul is. I'll go by your place, and I'll tell your handmaiden to close up and go to bed, or go and visit some friend, if she doesn't like to remain in the house alone. You'll stay here to-night."

It was but a faint protest that Frances made to this proposal. Of a truth, she was a very lonely, repentant woman.

## CHAPTER XXIX

AT the door of his father's house Basil met Dr. Mason.

"How's Paul?" was the question, without another greeting.

"Failing—failing. I never in my life saw anything so tragic, so sad, so horrible. Of a truth, we are fearfully and wonderfully made. The boy is dying through his sympathy. But go in. Your mother needs all the comforting that you and all of us can give her."

It was a sad household that Basil met on his daily visits. Paul lay on a couch in the family room, so that he need never be alone. He was allowed as little time as possible with his own thoughts. Some one of the family, or some friend, was with him through all his waking hours, and these were many. He slept but little, excepting by the aid of quieting potions. His mind dwelt constantly on the one thing—Nan, poor Nan!

It was useless to try to divert him by reading or conversation. He would interrupt to ask if it was not time for Phil to come; and when he came

## IN THE FIRST DEGREE

without encouraging news the despair of the invalid was heart-breaking.

It was but this day that Mrs. Drayton had detained Phil in the hall and talked over the feasibility of making good news when he had none, adding:

"Paul will not be with us many days. Let him be as comfortable as possible."

As this was about agreed upon Dr. Mason came in. When the question was put to him he shook his head.

"It won't do to deceive him. He might rally. I don't say that he would, but he might, and only grow strong enough to realize the worst, if the worst must come, and then he would perish most miserably."

So, then, the idea had been given up, and the mother, with a sigh, resigned herself anew to watching the fading away of this blighted life.

She told this to Basil before he saw Paul. When his brother entered the room Paul said:

"Now I know all the others are tired. I wish they'd go out and leave us alone for a while. I want to say something to you."

"Very well, dear," his mother said. "Phil and Lois, run away to the parlor—father's smoking in the dining-room. I'll go and talk to him."

When they were alone, Paul said, and his voice was low and eager, while the spasms in the slim

## IN THE FIRST DEGREE

white throat came with cruel strength and frequency:

"You know, Basil, I'm afraid Phil's fooling me. I don't believe his father's doing anything for Nan. I believe he's gone East instead of West."

"No, Paul, you're mistaken. I know—hasn't Phil shown you his father's letters, and those of Peter, too?"

"Oh, yes; I forgot."

"Telegrams, too, he's had, and I've been with him when he got them. Yes, they're at work, and have fair prospects of catching the man. Of course they think it's Jack, but we hope not. There must have been someone to help him, they think, because their theory is that Jack probably planned it all, but was too ill and weak to open the door, or even to strangle Mrs. Dever. She was a very strong woman."

Paul lay silent a minute, with closed eyes. Then:

"But if they don't catch the man—if it's Jack, or whoever it is—then, of course, there's no help for Nan, and that's what I wanted to get at. You know we've heard of people who died simply by setting a time, and willing to do it."

"Yes, I know."

"Don't you believe Nan could do that if she'd think of it?"

"I don't know, I'm sure. Perhaps she can if

#### IN THE FIRST DEGREE

she gives up all hope, which I don't believe she will."

"But she must give up hope at the very last, when they tell her on what day and about what hour! Oh, Basil! I've tried so many times to get up and go to her, to tell her to do this, and I've tried to write it, but I'm so useless! Why couldn't I have been strong, like you and Dan?"

Basil caught his breath at this question. Why, indeed?

"I want you, Basil, to go to Nan and remind her that she can prevent Kimball—— Oh!" And the boy clenched his bloodless fingers till each joint, each single bone, stood out, and showed what a mere skeleton he was. "How will he dare to touch her?"

"There, Paul! Don't think of it."

"Don't think of it! Why, Basil, what are you made of? Don't you think of it?"

"Yes, Paul, yes! I think of it; but what was it you wanted me to do?"

"Go to Nan and tell her, or give her something of the kind to read; there's plenty of that kind of literature, and they let her read anything. I know she could do it. Don't you believe it? I've tried to talk to Phil and Lois and mother. They insist that Nan will be released. Oh, if I could believe it!"

"Why not believe it, Paul, when the rest of us

#### IN THE FIRST DEGREE

do? Now, if you were up, and well, and going about, you'd feel different, and see this, as well as everything else, in a different light. You know," and Basil made believe to laugh, "you know a sick man's opinion isn't usually worth much. He can't see things just as they are. His own distemper upsets everything. Remember a couple of years ago, when the bookkeeper had jaundice? Yes? He told me after he was cured that he thought when he was ailing that we were putting on heaps of style, using cream-tinted stationery; but he found it was all in his eyes. The paper and the books bleached out when his liver got down to honest work again. Now, if you'll brace up, think of business, and try to get strong, we'll see you and Nan on the streets one of these days, and—up to all sorts of larks."

"Oh, Basil! Do you believe it?" And Paul half raised himself on his elbow.

"I know it. Why, Nan's as cheerful as the day is long. Nobody catches her whimpering, simply because she knows there's nothing, really, to whimper about. I went with Laura yesterday to see her."

"Oh! and isn't it shameful of Governor Long to decline to interfere? Isn't that a good way to put it?—as if he was not in the least responsible."

"That's all right; he needn't interfere. We'll manage the matter without him; and if ever he wants another office, even so small as that of road

#### IN THE FIRST DEGREE

supervisor, we voters won't interfere with the other candidate."

Paul laughed, and Basil continued: "When Nan was told his decision, she said: 'Now, mind you, I'll never vote for him as long as I live!'"

"Did she? Dear little Nan! How I'd like to see her!"

"Yes, and she'd like to see you. Why, Paul, there are so many reasons why you should brace up and get well. You were talking about people dying at their own convenience. Doesn't it strike you that people can live, too, if they see fit to try? There's nothing the matter with you—but dumps, so Dr. Mason says. You give way too much to your sympathy for Nan.. Why, boy, if every man and woman in Stillwater should allow their emotion in this affair to control them, there'd be a howling mob rushing through every street, and possibly that old jail would be torn down."

Paul listened to his brother and a calm smile of confidence beamed on his thin face.

"I wish they'd do it!"

"Perhaps they would if they were hopeless; but it's best to stick to law and order—best for everybody."

"But, Basil! You'll see Nan, and tell her what I've said?"

"Oh, yes; I'll talk to her about it; but I'm sure

#### IN THE FIRST DEGREE

she'll make fun of it—perhaps put it into her next *Tribune* letter."

"Poor girl! I'm afraid she won't write many more letters." And again Paul was despondent, and sank into his pillows.

"Yes, she will write many more letters." But Basil saw that Paul was too weak to show more than the merest flashes of courage and hopefulness. Still he sat by him, and presently he held the thin hands in his own, and continued to talk, first about Mrs. Hammel, then gradually branching out upon other subjects. By and by he was quoting market reports, railroad, steamship, and telegraph news; and the doings of Congress. He kept his eyes fixed steadily on those of his brother, and held his hands in a close clasp. The soft monotony of his voice had a soothing effect, and within a half hour the veined eyelids closed, and the regular breathing told that he had charmed the invalid into a natural, restful sleep.

## CHAPTER XXX

NEXT day, Laura prevailed upon Frances to go with her to the home of their mother-in-law. Frances was frightened at the tone of the letters sent to Dan, and, after her weeks of loneliness, she found kindness, sympathy, shelter, where there was assured safety, too good and pleasant to relinquish.

Lois met the two at the door, and took them into the parlor, saying that Paul was asleep. Really, she did not mean to disturb him by the sight of Frances, and she feared the sound of an unaccustomed voice would waken him.

Presently, Mrs. Drayton came in, and greeted her daughters-in-law with friendly warmth. Frances was startled to see how thin and worn she had grown. Laura and Lois left the room to sit near Paul, and Frances and Mrs. Drayton were left together before the fire, and they talked over the sad state of affairs, Frances laying great stress upon her fear of what was going to happen to Dan and their home.

"I stayed at Laura's last night, but I can't stay there all the time, and I don't know what to do."

#### IN THE FIRST DEGREE

"My dear girl, you are welcome to come here and stay—but why not go to the hotel and ask Dan to go home?"

"I'll never do that!" Frances flashed in answer. "He left the house—not without some provocation, I'll admit—but I was provoked first. You folks have not treated me right—never since I came here!"

"You surely have misunderstood us, Frances. We meant to receive and treat you as a daughter, and a sister. If we have failed, I am deeply sorry."

"You won't deny that you blame me for the part Dan has taken in this trial?"

"No, I'll not deny that. You know it was your influence that put him in the office of prosecutor; and you used your influence against the known wishes of the whole family. You know all this is true?"

"Why shouldn't a woman wish to stand first in influence with her husband?"

"No reason in the world why a woman should not wish to be first with her husband always, and in everything. But if a woman makes a mistake, if she insists on being first, to the detriment of her husband, then she should, if possible, undo her work. A year ago I could not have imagined such a division in my family as there is now. You need not be told who is responsible for it."

#### IN THE FIRST DEGREE

"If that Mrs. Hammel had stayed away, there'd 'a' been no trouble!" And Frances cried weakly.

"That's childish! Mrs. Hammel was likely to come home at any time, as was most natural. If you had used your persuasion with the rest of the family, or even stood neutral, not opposing us, Dan would have been in the State Legislature for the term about to open; and if this same trouble had come, as it surely would, he would not be in his present position—his home deserted, his business ruined, and even his life threatened. You can see for yourself that what I say is true. You have been on the defensive ever since you came to us, the next day after your wedding. That you've had any good reason for your behavior, I've never been able to discover. You cannot have supposed that any of Dan's family wished him and you anything but prosperity and happiness?"

"No, I didn't suppose that."

"You might have been sure that we, who had cared for him all his life, certainly knew something of his capabilities, and might be trusted to still advise him—a little."

"Of course, if I had thought of it in that way; but I was jealous of your relationship to him, and —you ought to know why—— You've seen my mother—she's not like you—and I feared that Dan might grow to despise me if I didn't lead him away

#### IN THE FIRST DEGREE

from his own people in a measure. And you said a very severe thing of me to Judge Ainslee."

"Yes, I did; but see what you have done! And now I know that your mischief is greater, more far-reaching, than I dreamed it at that time. I admit that I spoke hastily to Judge Ainslee, but if it had not been for your continual presence in the court-room, and your unceasing nagging at home, that trial would have taken a different turn. You've been a cruel, relentless woman. I fear you've brought ruin of one sort to Mrs. Hammel, of another sort to yourself, and great sorrow to me."

"How do you know what I said at home? Has Dan told you?"

"No, Dan has not told me, but he has talked to Basil, and you've been imprudent before your servant. Your quarrels with Dan, and your insinuations about Mrs. Hammel, are common gossip in the town. You lay great stress upon some things for which I and my family care but little. You sum up your ideas of success in life in the one word 'swell.' This, as I understand you, is to make a fine appearance—to dazzle your acquaintances by a show of your possessions. I cannot imagine myself caring to create a sensation of this kind; and there is one thing you must learn, if you wish for the respect of those who serve you, and those who associate with your servants, and that is to prevent quarreling with your husband, and refrain

IN THE FIRST DEGREE

from criticising your husband's relations in their presence."

Frances made no answer. She was completely broken down. All her little, mean, spiteful sins had found her out. She who had come to Stillwater only a year ago, so full of ambition, so resolved to make the most of her good fortune in marrying above her station, so sure that her experience amongst a few educated people would aid her in setting the pace for Stillwater's best society, could not but feel deeply humiliated at her utter failure.

As she reviewed the past year she could see that, with the exception of Lois, not one of the family had ever resented one sharp or slighting word of her own; and now, as never before, she could see why. It had not been worth while. The father and mother, Basil and Laura, even sickly Paul, had set it all down to her lack of culture, her want of home training, her ignorance of the common civilities of family life. She was brusque and quarrelsome because she was common. She had passed her youth in private schools, where the hand of every girl is against every other, and where there is constant watchfulness that no undue advantages be taken. She began to see the truth, as in a glass darkly.

But, she debated with herself, what else could she have done? She could not have remained at

#### IN THE FIRST DEGREE

home, where there was little to do, and many to keep? If she had, what outlook would there have been for her? None at all. But as she sat alone while Mrs. Drayton received Dr. Mason, she acknowledged that she might have passed her vacations at home instead of visiting amongst people who were in better circumstances than were her own. She might have used the money that went for dress during these visits in brightening the shabby little house where her parents and sisters lived. She might have taught her sisters some of the things she read in books, and some of the ways of the world in which she lived. She might have awakened in the three girls some ideas of bettering themselves by education, mentally, morally, physically, instead of leaving them in their ignorance, to stare at her and say, "Frank's so swell!"

She knew girl teachers who had done all these things for homes as poor as her own; and now she could see how the really high-grade people regarded such things. She had thought only of herself, of her own advancement and comfort in life. She had never dreamed of her illiterate mother, her untrained sisters venturing upon the scene of her good fortune, for it was good fortune. Had not her ambition been gratified? Had she not married into a good family? Had she not a pretty, tasteful home? Much better, her mother declared over and over, than she ever had any right to expect.

#### IN THE FIRST DEGREE

Why should she not be happy and satisfied? Why was she sitting here at the parlor window of her husband's home, something like an outlaw? She looked out over the snowy lawn through blinding tears. She wondered if Mrs. Hammel was more miserable than she. True, Mrs. Hammel was under sentence to die, but see with what composure, what spirit, she carried her great calamity! Nobody now believed in her guilt; she was respected, commiserated, pitied, loved, by all who knew her, and by thousands of people who were strangers to her save through the press. Her position was dignified, while Frances owned, with burning cheeks, her own was one of contempt. She was stared at curiously when she went on the street. People nudged each other and whispered: "There's Dan Drayton's wife! He's left her. He's living 'at the Stillwater Hotel."

More than once she had heard these words, and others of like meaning. Scores of times she had seen in the faces of people she knew but slightly more than any words could express.

When Mrs. Drayton returned to the parlor she came directly to Frances, and, laying her arms about her shoulders, said:

"Dear, believe me, I'm sorry for you. I wish I could clear away all your troubles; and, more than all, I wish I could reconcile you and Dan to each other. No misfortune can come to us equal

#### IN THE FIRST DEGREE

to a quarrel, or a misunderstanding, with those we love. Can't I prevail upon you to go and see Dan, or write and ask him to come home?"

"When he went away he told me to select counsel to speak to him, and he's sent word to me several times by Philip."

"Oh, my dear, you see Phil's one of the family. Now do you follow suit. Let me carry a message for you. Let me be your counsellor—and I'll tell Dan so. Within a week or so will be your wedding anniversary. Phil's here now with his latest news from his father. I'll tell him to stay for dinner. I've been in the house too closely lately. Let us go together and find Dan, or, if you'd rather, I'll go as your counsel, since he so desired." And Mrs. Drayton's wan face looked smilingly into that of Frances, so tear-stained and troubled.

She could not at once consent, but the loving counsel of Mrs. Drayton prevailed, and Frances went to her room, bathed and powdered her face, and they left the house together.

By and by, at the crossing of two streets, they separated, after a most earnest conversation, and Frances called after Mrs. Drayton: "If you fail, please come and tell me."

To which Mrs. Drayton answered: "Yes; but I won't fail."

In the early winter twilight Dan Drayton's  
[ 242 ]

#### IN THE FIRST DEGREE

neighbors saw him and his mother coming up the street, talking busily. They entered the gate, went up the walk, and then, Dan let himself into the house with his latch-key, as usual. These same neighbors averred that there must have been some arrangements made beforehand, as, a little later, Mr. Drayton, Senior, came, and, after a few minutes in the house, he and his wife went away together.

More than this, Dan was seen leaving the house next morning at about the usual time of his going to business.

So this family quarrel was patched over, and the eager, insatiable public was at liberty to turn from the comedy to the tragedy that would be finished now very soon.

## CHAPTER XXXI

THE watchers who saw Dan Drayton leave his own house on that morning could not fail to see the change that had grown upon him within the last few weeks. He was not the blithe bridegroom who had set up his home amongst them less than a year before. He did not carry his head now, as then, as if he challenged the whole world to produce a more fortunate and a better satisfied man than himself.

He walked slowly, his eyes cast down, and answered shortly any greetings that were offered. It was not supposed for one moment by Dan's neighbors that he was grieving now, or had ever grieved, over the temporary estrangement between himself and his wife. Those who knew him best, knew best how great a mistake he had made in the selection of an office in the political field, and of all these, Uncle Zeke summed up the matter about as correctly as anyone.

He said to Cleopatry: "Now, min' what I tell yo'! Mistah Dan's boun' t' come out all right bime by. Lots times yo' see w'ite co'n dat's be'n planted clos' by some o' dat speckled popco'n, or de

## IN THE FIRST DEGREE

r'al ol'-fashioned yaller co'n, an' hit turns out pa't w'ite, pa't yaller, an' pa't speckled. 'Tain't no 'count, 'ceptin' to feed de hogs. But nex' yeah, yo' take de bes' o' hit an' plant hit all to itse'f, an' yo'-all see hit grows mo' and mo' w'at de good Laud made hit to be."

"Ya'as," Cleopatra answered, "but yo' see Mistah Dan he done planted hisse'f by de speckled co'n his own se'f, an' dey ain't no chanct fo' him to done git planted ag'in; an' de Laud made de speckled co'n all same lak de w'ite an' de yaller, an' He neber 'lowed dem to mix deyse'fs."

"Now, Cleopatry, listen t' me! Don' yo' know dat if yo' plant de speckled co'n des yeah in an' yeah out wid de w'ite co'n, it'll done git w'ite, too? Now yo' min' w'at I say."

Cleopatra sniffed and said nothing; but, remembering all the kindness that she and her family had received from the Drayton family, her thought was: "P'raps dat low-down Frances git growed out o' huh speckles bime by."

When this lowly family knelt for prayers in their own pleasant sitting-room, that opened from the kitchen, Zeke never failed to offer a special petition for "Po' Miss Nan." It was on the last Saturday night that she would live, if Judge Ainslee's sentence was carried out, that Mrs. Drayton, on an errand to the kitchen, heard him beseeching the "Good Laud to sen' down de biggest sto'm he had

#### IN THE FIRST DEGREE

in de shop. Make hit snow an' rain an' hail an' freeze all togeddah, so dat man Kimball kain't set up no saplin's no place. Des let de sto'm howl an' kiveh up dis town so's nobody kain't git out, no' in, an' keep Miss Nan safe till dat 'tection man done fin' out who's de right pusson to swing."

As if in answer to the old servant's petition, Sunday came in a raging storm. In the beginning it was difficult to say if it was snow or rain; but the air grew colder, the wind rose, and something like a blizzard swept over the country. Through the storm the church bells sounded muffled, and the high, swift winds carried the sounds hither and thither. Very few people in Stillwater answered the summons to attend service. Most of those who were in the habit of going felt glad of a good reason for staying indoors. Hearts were sick and faint because of the nearness of the horror set for the coming week. They hoped, and yet feared, a rescue by the people. But it was still somewhere in the next week. Something might happen. At all events, it was a relief that for one day they might stay within closed doors. There was a respite from the empty repetition of, "Well, the time is nearly over. Wonder how she will bear it at the last;" or "Have you heard from Paul Drayton to-day? It'll be a blessing if he dies first."

Still there were those who felt a great curiosity as to what the several preachers in the town would

#### IN THE FIRST DEGREE

say on this last Sunday before the execution, and how they would pray for the condemned.

It was known that Dr. Milford had frequently visited Mrs. Hammel, and it was also known that there were none of the usual accompaniments in these visits. There were no readings of the Scriptures, no prayers—nothing but such talk as any man and woman, meeting under the most ordinary circumstances, might indulge in. This was not wondered at by those who knew the prisoner's mental attitude. With her very best friends—those who visited her most frequently—she permitted no conversation about her position and her prospects. This she said was a subject she reserved for her lawyers. She said, too, that when she was unavoidably alone, she must, perforce, think of herself; then she put all she had to say into her newspaper letters. When friends came to see her, she wished to talk of something pleasant; to forget, or to play she forgot, her surroundings.

On this stormy Sunday Mrs. Kimball came and sat with her for an hour. The two were wholly different, excepting in the mere essentials of humanity. They had known each other slightly as girls, but had never been friends; and Mrs. Hammel was sufficiently daring to put into a letter the guess that the sheriff's wife kept constantly in mind the difference there used to be in their positions, and, comparing this with the difference existing at the time

#### IN THE FIRST DEGREE

of her visit, the writer guessed further, that by the expression of the woman's face she was puzzled by this dispensation of Providence.

The letter written that Sunday night, while the storm howled and raged around her prison, was one that was wondered at more than all that had gone before. At its close it seemed to the reader that it could not be possible that a woman under sentence of death could have written it. She said at the last of the two columns:

"This is like the note that runaway girls leave on the pincushion: when you read it I shall be far away. I'll write again, if I have time; but I think Mr. Kimball will call to-morrow and tell me all about it. Judge Hale has returned, without his detective, and without a substitute for me."

Thoughtful people who read this letter shuddered, knowing that the writer was on the verge of hysteria, if not insanity. Because of the storm she had but few callers, and these reported, "It is simply wonderful, the way she keeps up."

Once she said, and it was to Basil Drayton she said it: "I hope it will keep on storming till—it's all over. It's only fit that if there's a blundering intelligence running this world, there should be some attempt at congruity in the winding up of the mistakes. There ought to be at least a proper stage setting."

In mentioning this to Laura, Basil said he

#### IN THE FIRST DEGREE

laughed; if he had not done that he would have raved like a maniac.

He said to Mrs. Hammel:

"If it storms until you are through with this world, we'll have a long spell of bad weather. As Uncle Zeke would say, 'Now, min' w'at I tell you-all!'"

From the prison, Basil went to see Paul. He was very low, scarcely speaking above his breath. When he tried to rally the feeble boy, the mother shook her head, and slow tears welled from her eyes. Later she said: "Please let him go. Let him drift out of life before Nan goes."

It was in the middle of the afternoon when, like a part of the storm, Philip Hale and his father came up the walk. Lois threw open the door and let them into the hall.

"Oh, you've come back!" she cried, as she grasped the old lawyer's arm. "You've come, and there's no hope for Nan!"

He stooped and brushed her cheek with his damp gray moustache, then whispered:

"Yes, there's hope for poor Nan. If that vagabond, Hammel, doesn't perish in the storm, Peters will have him. Ah! such a dance as he's led us!"

Then, in the room with the family, Judge Hale recounted what they did not already know of the man-hunt he had been engaged in. In finishing his story he said:

## IN THE FIRST DEGREE

"Of course, we've had no glimpse of the man, but the very fact that he's been in hiding, and that his own people, as far as we can discover, have known that he was in hiding, is about as much evidence as we need. Of course, a confession, or at least a surrender, with the chance to prove innocence, would be better. But the fellow's on his last legs, and I fully believe that his own people have been hoping he would die, and so pass beyond the law, even if this poor girl be left to swing in his place."

"I wonder, now, if Anna has ever thought of making a will," Basil said. "If she has not, and if the worst should possibly come, there'd be some grabbing for her estate. You see, she's quite wealthy since her mother's death, and she has no relations that she knows of, excepting the Hammels. Of course Jack could claim everything."

"Yes; but I sincerely hope Peters will trap the scamp—and get him here alive. How he has sawed, and doubled upon us, time after time. Only yesterday, when we thought we had our fingers upon him, he gave us the slip. This storm was on its way from the Northwest, and I didn't like the prospect of being snowed in in a little country town; so I left Peters, and came here, arriving at one o'clock this morning, just in the van of the storm."

"Do you think Hammel was the principal in the murder?" Mr. Drayton asked.

#### IN THE FIRST DEGREE

"Yes; at least he did the planning. Whether he really did the final act, I've not decided. The leaving of the keys may have been an accident, as it may have been done to mislead, and place the blame where it now rests."

"It doesn't seem possible," Basil said, "that Jack could be such a double villain."

"One never knows," Judge Hale answered, "what a fellow will do to save his own neck from the noose. Ah! I long to hear from Peters. I was completely fagged out; and now that I have seen you, I'll go to the hotel and rest."

Paul had roused himself to listen, and for a while he was brighter than he had been for a day or two; but his spirits sank again after the two visitors had gone away. His feeble system had received such a shock that it was fairly paralyzed. There was nothing to build upon; no leaven of strength to quicken the faint spark of life in the frail body.

Those who watched with him through that night of storm feared that he would pass away before morning. He slept but little, and that only by the merest snatches. His talk was all of the coming execution, and the hope that Mrs. Hammel would die of her own will before the law could desecrate her person. He seemed to forget Judge Hale's visit and his hopes, his assurances of, if not an immediate release, at least a stay, a delay of the carrying out of the sentence. Sometimes his mind wandered,

IN THE FIRST DEGREE

and he forgot the present. He was again a little child playing with other children, and always with "Pretty Nan."

## CHAPTER XXXII

WHEN morning came the storm was, if possible, more furious than it had been the night before. Streets were impassable; schools were closed, at least neither teachers nor pupils reached the buildings, and the janitors held holiday. Business, save for the meager distribution of food stuffs, was at a standstill. Many of the dry goods, music, picture, and fancy stores, remained closed simply because it was considered foolhardy to face the blizzard.

It was known on Sunday that Judge Hale had arrived at the Stillwater House in the middle of the night before, and that he had come without Peters. It was known, too, that Philip had been to the prison to see Mrs. Hammel, and had been fairly exuberant in his interview, and that she, while agitated visibly, had exhibited no gladness, had frequently shaken her head, while her eyes were full of tears.

The guard reported to the sheriff and his wife that the prisoner had not slept at all; had not even undressed all night, but that she had walked the floor, or sat in her chair, all night long.

## IN THE FIRST DEGREE

"Perhaps," the man said, "she's a mind to wear herself out so the last won't be so much, after all."

Kimball said nothing. He was haggard, and looked as if he, too, had passed a bad night.

The guard who came on duty in the morning told Mrs. Kimball that Mrs. Hammel ate her breakfast slowly, and read a two-days-old city paper as she ate. There had been no trains into or out of Stillwater since Sunday morning at three o'clock. When this news of the storm and other of like nature filtered from the outside world into the family rooms of Uncle Zeke, that faithful one exclaimed: "T'ank de good Laud! He done hyar me dis time, an' ef on'y He keep on, an' des stan' dese folks dat want fo' t' hu't Miss Nan on dey hails, I'se willin' t' nevah ask any mo' favo's ob Him. I'se done satisfied." And Cleo looked at her "ole man" with tears in her admiring eyes.

Sheriff Kimball sat in his office alone. It was the middle of the forenoon, and the storm still raged. He, like Zeke, felt something of satisfaction in the blizzard. Surely, it was no time for action; no time to arrange any of the preliminaries for this barbarous work. He told himself that even if it was a man, and there was no doubt of his guilt, there was no reason for hurry. He had all the week, or at least five and a half days, in which to fulfil the law.

## IN THE FIRST DEGREE

He sat facing the window, that showed only swirling clouds of snow. His back was to the door that opened on the street. He heard a fumbling of the latch, then felt a blast of icy air, and the papers on the desk near him were lifted in disorder. His first thought was to curse the intruder. He wanted to see nobody; but, before he could utter a word, before he turned to greet, in some fashion, his visitor, there was the sound of a heavy body falling to the floor, and the wind swept all about the room. Then the sheriff sprang from his chair, to see the body of a man lying just within the door, while his feet hung over the threshold.

"What damned fool's trick," he muttered, "to venture out on a day like this, just to come here and gossip!"

Seizing the man by the ice-covered shoulders, he hauled him roughly away from the door and closed it. He touched a bell, and in answer came the janitor.

"Here, Simpson," he said, "help me turn this thing over and see who it is hasn't sense enough to stay in out of the wet."

The man's long coat was sheeted with ice; his boots and trousers, to the knees, were fully an inch thick with frozen snow; his face was bleared, what little of it was shown below the rim of his slouch hat. His arms lay helpless, and Kimball wondered how he had strength enough to open the door.

## IN THE FIRST DEGREE

As the two rolled him over on his back they saw a thin stream of blood oozing from his mouth.

"Bad case," Kimball said. "Step to Doc. Leigh's door and call him."

It was but two doors away, and the doctor, already prepared to brave the storm in behalf of his patients, was there within a few minutes. The outer clothes were stripped from the unconscious man, blankets were brought, a long settee was dragged into the room, and he was placed upon it.

Dr. Leigh wiped away the blood that dribbled from his mouth, and the water that trickled from his hair. The thin, dark face was covered with a beard of perhaps a month's growth, but the moustache was long and ragged.

Suddenly the doctor's hand stopped, and he started up.

"By God, it's Jack Hammel!"

"No!" said Kimball, staring blankly. "No, it can't be—"

"I tell you it is! I attended him in the fall. I know him, in spite of his beard, and the waste that the disease has made in him."

"Is he dead?" Simpson asked.

"Not by a jugful!" was Dr. Leigh's positive answer. And he took a flask of brandy from his medicine case, pried open the clenched teeth, and poured a spoonful of the liquor down the helpless man's throat.

## IN THE FIRST DEGREE

There was a convulsive heaving of the chest, a drawing up of the legs and arms, and the brandy was swallowed. Dr. Leigh sponged away the blood that still flowed from his mouth, and presently the heavy eyelids lifted, there was a moan, a deep breath, and the blood came like a fountain.

"There, Jack—carefully—easy now!" And the doctor raised the head of the patient slightly by slipping a ledger under the cushion.

"Where am I?" Hammel whispered hoarsely. "Am I in time? Have the damned fools hung Nan?"

"You're my guest, Mr. Hammel," Kimball said, leaning closer. "You meant to come here, to my office, didn't you?"

"Yes, I meant to; but it's only Monday—how about Nan?"

"Mrs. Hammel is well, here in my care. I'm sorry to see you in such bad shape."

"Oh, hell! Have they got Bromley?"

"I guess not. Who is Bromley?" Kimball asked.

"Bromley's the damned skunk who set the trap for Nan. I've chased 'im high and low, and Peters chased me. If Bromley can't be found, you can take me out and hang me, and be damned to you; but let Nan go. She knew nothing about it. I stole her keys two years ago, and planned the whole business. Seems to me, any fool might have known that."

## IN THE FIRST DEGREE

While he was speaking in gasps, Dr. Leigh continued to sop away the blood that rose to his lips, sometimes in a steady stream, then in great clots. The dying man glanced toward the sheriff. "Get a notary from somewhere, and get 'im quick. My checks are due——"

He was interrupted by the opening of the street door, and with the icy cloud also came Philip Hale and Detective Peters.

"Hello! What have we here?" Hale asked briskly, as he shook the snow from his coat and hat.

"Our friend, Mr. Hammel," said Dr. Leigh, standing aside. "You're a notary, aren't you?" And to Hale's prompt "Yes, sir," he added: "Take this man's statement. He's past my help, but he can help his wife. Be as rapid as possible. Mr. Sheriff, perhaps you'd better acquaint Mrs. Hammel, and bring her here, and *hurry!*"

Kimball hastened to Mrs. Hammel's cell, half dazed by being so suddenly lifted out of the semi-stupor of the last few weeks. He motioned the guard to one side, and opened the door. Mrs. Hammel arose from the table, where she sat writing, and, as she faced him, Kimball could see the pallor of her face taking on a blue, corpse-like tinge. He felt that she expected to be told that her last hour had come, and, for a moment, he was possessed by the devil of dumbness. He opened his

## IN THE FIRST DEGREE

lips, but no words came, until Mrs. Hammel, standing like a statue, said, and broke the awful silence:

"Is it to-day?—now?"

Then, like a sleeping man, he said:

"There's a visitor in my office who wishes to see you. He's not able to come here. Will you go with me?"

To this she answered slowly, icily: "You are very diplomatic; Mr. Kimball," and followed him out. She walked beside him, keeping step with him along the long corridor, and no other word was spoken. They came to a turn in the hall, and were only a few feet from the office, when Kimball, knowing, as we know things in dreams, that Mrs. Hammel supposed she was walking to her death, felt that he must try to prepare her for what really awaited her. He said:

"Mrs. Hammel, try to prepare yourself for a shocking sight."

She turned upon him scornfully.

"Why don't you put on the black cap now, so I can't see?"

He stopped short and faced her.

"Mrs. Hammel, you're going to my office to see —your husband; and he's dying. He's making a confession that sets you free."

She gasped, threw up her hands, and clasped her throat, reeled, and would have fallen had not the sheriff supported her.

## IN THE FIRST DEGREE

"Ah! that's the way with you women," he said gruffly, "stand up and take the hardest kind of punishment without a whimper; grit to the last minute; but when everything's settled comfortably, then comes the collapse."

She did not faint nor cry out, but she looked like a dead woman walking when she entered the sheriff's office.

As they passed in there was no sound save the voice of the dying man as he gave in outline the history of the great crime, planned by himself, and carried out by his confederate, Nicholas Bromley. Following this was the soft rat-tat of Hale's pencil. He was half-kneeling by the settee and leaning close to Hammel so as to catch every word. He asked a question now and then, as a stimulant to the fading senses, but very gently; and, looking up, to meet the frightened, grieving eyes of Mrs. Hammel, he said:

"That is all!"

Dr. Leigh had his finger on Hammel's wrist, and rising from his chair, he motioned Mrs. Hammel to take it. She seemed to wilt into it, and leaning over the dying man, she sighed: "Oh, Jack! How could you?" But she did not touch him, not even his long, skeleton hands.

Dr. Leigh stood at the back of the settee and used his sponge on the crimson stream that welled

#### IN THE FIRST DEGREE

from Hammel's mouth. Hammel gasped in a whisper:

"I didn't do it, Nan; Bromley did it. He dropped the keys, too; but I never meant to let them hang *you* for it. I thought they'd have more sense. Good Lord! I was in the Ross House that night, and the fools said 'twas you. I can't ask you to forgive me, Nan—for anything—I've done. Even my mother can't forgive me, and I never wronged her as I have you. I'm glad it's all over—hope they'll catch Bromley—Chicago police know him. Try to forget—all—about—me—Nan—and have a good —time. I never was fit—to—even—touch—your —feet."

A long sigh, a shiver, a torrent of blood from the blue-white mouth, and then the pale woman, the doctor, the sheriff, the notary, and the detective, gazed silently on the face of the dead.

## CHAPTER XXXIII

IT was in the middle of the afternoon of that dark Monday, and still the storm showed no sign of abatement. Mr. Drayton had not attempted to leave the house. The storm was his ostensible reason for remaining at home, but he was inexplicably sad. The state of his youngest son was sufficient cause both for his sadness and for absenting himself from business, but though there was nothing said, all the household knew that he was too utterly despondent to care to face even the small amount of business that would be done on this day. He could not find courage enough to meet even the smallest formalities of the outside world.

In spite of Judge Hale's assurances, in spite of Philip's high spirits, still there was no victim forthcoming to take the place of the innocent sacrifice.

Abraham may have felt many a throe of sorrow that the world has never heard of. He may have groaned and beat his breast; there was no one there to see and hear and tell.

These faithful friends of Mrs. Hammel felt, on this dark day—that, in all probability, was the be-

#### IN THE FIRST DEGREE

ginning of her last week of life—a most intolerable gloom and depression.

Paul, through his steadily encroaching weakness, still kept an account of the flight of time. He knew the day of the month, and the hour of the day or night. He calculated mentally, and by counting on his fingers the number of days and hours possibly left for his friend. To-day, but for his weakness, he would have fretted himself into convulsions. His mother and father did little but sit by him and try to soothe him, as they would have done an ailing child.

Lois, with tear-swollen eyes, gazed out on the snow, sweeping in clouds and drifts until the street was hidden. If she left the window and came into Paul's presence, he at once essayed to rise, his eyes brightened, and always came the eager question: "Is Phil coming?" And as Lois slowly shook her head he fretted: "Oh, why doesn't he come? Why doesn't he? Poor Nan! Poor Nan!" And then wilted down upon his pillows again.

Bett was going about her dusting, and "putting to rights" very softly, casting sympathetic glances first at one, then another, of this family that had been a kindly providence to her.

Auntie Cleo came and went aimlessly, and Uncle Zeke came into the room, looked at Paul, then, shaking his head sorrowfully, retired to his own part of the house, and after reading a few passages

#### IN THE FIRST DEGREE

of the Scriptures, knelt and prayed most fervently. He felt somehow that if the storm would last long enough it might serve as did the flood—confound the wicked and redeem the righteous. He gave hearty thanks for the snow and the wind and the cold, and assured the “good Laud” that these things were all right as far as they went, but he added: “Don’ yo’ let up, good Laud, till yo’-all’s done froze out all de wicked an’ made em git off de yeth.”

By and by Cleopatra called: “Hyah, now, yo Zeke! Git some wood fo’ dis kitchen. Dey ain’t no sense in yo’ pesterin’ de Laud all de time. Yo’ got dis sto’m sta’ted, an’ I reckon de Laud kin run it hisse’f, an’ quit w’en his bucket’s done emptied.”

Most meekly Zeke mended the fires, and asked Cleopatra if he could be of any “mo’ ‘sistance to yo’?” She said no, and she would let him know when he could “ef he would on’y let de Laud hev a little rest.”

Mrs. Drayton sat holding Paul’s hand, and he slept fitfully. Lois leaned against the window that looked on the street from the family room. Presently she heard a faint jangle of bells, and as the sound came nearer she wondered who was brave enough, or had spirit enough, to care for a sleigh-ride on this day. Suddenly there was a muffled clash of the bells, and through the blinding clouds of snow she saw a large double sleigh at the side

## IN THE FIRST DEGREE

gate. There were voices, too, men's and women's, and a peal of laughter rang out above the soushing of the wind amongst the bare boughs of the trees.

"Surely that's Basil!" Lois said, as she turned from the window. "How can he?" And she covered her face with her hands and sobbed.

Mr. Drayton sighed heavily, and arose from his chair by the fire, where he sat pretending to read.

"Never mind, dear," he said soothingly. "Basil is full of life. Perhaps he wants to see me."

He opened the door in time to meet the party of four that waded the drifts from the gate to the house, and, with much slipping, stumbling, and scrambling over the snow-hidden steps, reached the veranda.

*Four;* and Mr. Drayton readily recognized Basil, Laura, and Philip Hale. But this muffled, veiled woman—surely, the voice, as she clung to Hale, was familiar; and as she put out her hand, though blinded by the swirling snow, he recognized Mrs. Hammel.

"Oh, we're a crazy set!" Basil said. "Anna, just play you're Frances for a few minutes—that'll do, won't it, father, till we can tell Paul?"

"Yes, oh, yes!—that's right! Hurry—get yourselves inside!" And he passed in first, saying: "Mother—Lois! Here's Laura, and—our other girl, come to help us pass this bad day; and here's Phil, to see Paul, at last; and Paul must hold him-

## IN THE FIRST DEGREE

self well in hand now. He's going to hear good news!"

The two veiled and cloaked women passed through the room, and into Mrs. Drayton's sleeping apartment, and Lois did not guess but that Laura's companion was Frances, until the veils were removed.

Then, to her hysterical laughter and sobbing, Mrs. Drayton answered, and, half dead with joy, she clasped the redeemed prisoner in her arms.

Gently, carefully, Philip told the story to Paul, while Mr. Drayton stood by with a cordial, which he administered at intervals. When the story was all told, Paul lay upon his pillows with beaming eyes and flushed cheeks. He held fast to Philip's hands.

"Oh, I'm not dreaming—you're all here! Basil, is it snowing? There's Auntie Cleo, and Zeke—I'm awake! Oh, Nan! Nan!" he whispered. "Let me see her! I can't believe till I see her!"

She came and knelt beside his couch. Not until she had been released had Basil and Laura told her of the real state of Paul's health. She had known that "Paul was ailing," or that "Paul was not quite well this winter." She had been prepared to see him ill, but she could not have been told the change she found in the always delicate face.

She took his wasted hands in her own and kissed

#### IN THE FIRST DEGREE

his sunken cheeks, his eyes, and his silky, light hair.

"Poor little Paul!" she cooed. "Dear little playmate! You must get well, so we can have good times again."

"Yes, Nan; but you must stay here with me—all the time. I'll not believe the good story if I lose sight of you. When I sleep it'll all be gone. You must be where I can see you as soon as I open my eyes."

"Yes, dear, I'll stay, till you're 'all better.' " And Mrs. Hammel laughed. "Do you remember you used to say that when you were a little fellow?"

"Yes, I remember; and you must stay till I'm 'all better.' "

Mrs. Drayton, leaning over her guest, pressed the dusky head to her bosom.

"Yes, dear, this is your place, your home—as long as we can keep you with us."

Such a lifting of the clouds as there was, though outside there was no hint of a cessation of the storm. Lois laughed and wept, and Cleopatra declared she was "all outside herse'f." Dr. Mason, making his visit to Paul, threatened her with a strait-jacket.

When the sleigh returned with Basil and Laura, Philip persuaded Lois to go out with them, get a breath of the storm to clear away the lingering remnants of the horror that had wrapped her spirits for these several dreary weeks.

## IN THE FIRST DEGREE

She went, and all up and down the drift-filled streets her shouts of laughter were heard, and were carried by the winds, till they died away. The few persons who were out, and who had not heard the great news, wondered who in Stillwater could be so heartless as to laugh and go out with bells on this day.

Before dark it was known why Lois Drayton was like an irresponsible child in her joy. The news was told over the counters of grocery stores, and bakeries, and meat shops. It was whispered on the streets, that Jack Hammel lay dead in the parlor of Swift, the undertaker, or funeral director, as he preferred to be called, and his long-suffering widow was free.

By five o'clock the Stillwater *Times* had fifty young men and boys scuffling through the drifts, selling extras, that gave the whole story.

Basil and Philip, on the second sleigh-ride, called on Dan. He saw them at the gate, and he waded the drifts, and stood bareheaded in the storm.

"It's the best day I ever saw in my life, and I thank God for it!" he said earnestly.

Frances called very gently from the door to the party in the sleigh: "Oh, I'm so glad, so glad!" And they believed her.

When she and Dan talked the story all over, she said:

"No doubt she'll stay at your father's."

#### IN THE FIRST DEGREE

"Perhaps for a while; till Paul is better, any way."

That was the safe harbor in which the sorely-tried woman was housed; and it was well for her that there was some care for her to take upon herself, some demand upon her time.

Dr. Mason watched her narrowly. He fully expected to see her "break and go all to pieces," he said to Mrs. Drayton. He predicted nervous prostration; but, later, after he had watched vainly till the danger-line was passed, and when he told Mrs. Hammel of his professional expectations in her behalf, she said:

"Did you really think me to be a woman to be trifled with by a set of nerves? I keep my faculties as servants; and through all that time—when—well, I might have done something different, I never had so much as a nervous headache."

Dr. Mason said she was simply wonderful; and he knew why she was wonderful. He had known her father, Eugene Dever, intimately. He recalled one day when this most respectable and comparatively wealthy man said to him: "Mason, I'm going away. I'm so weary of all this civilization and domesticity. I can bear it no longer. There's a strain of the untamed in me. I'm going on a business trip, and I'm not coming back. Now, please keep your mouth shut."

So he had gone, and nobody ever suspected Dr.

## IN THE FIRST DEGREE

Mason of knowing any more than anybody else; and he justified his silence to himself by saying: "Dever may come back at any time. It's not in my place to blab."

But the man's wife had been foully murdered, and his daughter came near to perishing for the crime, and yet he had not come back, and Dr. Mason concluded, as had others, long ago, that Eugene Dever was dead.

Then such a character as Mrs. Dever had possessed; what strength of will and power of endurance had been hers, to close her house and her heart against friends and neighbors as she had done because her daughter had grieved and disappointed her!

Dr. Mason said he could prescribe more intelligently for a sick man if he had known his family for two or three generations. He had not known Mrs. Hammel's grandfather, but knowing her father and mother gave him an understanding of her own wonderful control over her physical and mental powers.

She sent for Swift, and gave full directions for the care of her late husband's remains, and for their shipment to his father, in Chicago, by the first train out of Stillwater. Then, with tablet on her knee, she sat by Paul and wrote out for her publishers the story of her deliverance "Out of the jaws of

IN THE FIRST DEGREE

death, out of the gates of hell," where degraded men and the blundering law had placed her.

Bett said to her mother, after they had talked the whole story over and over: "I tell you, Mrs. Hammel's not in no hurry getting her mourning outfit. I shu'd think she would. She'll look mighty fine all in black, a big crape veil, and her widow's cap."

Cleopatra glared at her daughter.

"Wha' fo' she want to put on mou'nin' fo' dat low down scamp?"

"He was her husband——"

"Mo's de shame t' 'im! Reckon Miss Nan wants to put on a cap an' des say, hyah I is; I'se in de ma'ket ag'in. One scamp wasn't 'nuff fo' me!"

"Well, you know, ma, what society expects."

"S'cietybettah ten' it's own business, den."

Zeke, who had sat by the stove, smcking, silently shook his head and laughed. His wife turned to him.

"Wha' yo' laughin' at, now, yo' Zeke?"

"I jes' t'inkin' I'd lak t' see Miss Nan wah de longest red feddah an' de reddest red dress 'at she c'u'd buy. Dat's de so't o' mou'nin' I'd lak t' see Miss Nan wah!"

## CHAPTER XXXIV

FOR a day or two Paul rallied, and seemed to grow stronger; but it was only the flashing up into a clear flame of the burned-out faggots. His lease of life was spent, and by the middle of the week he was past all hope.

Dr. Mason told Mrs. Hammel one night, when he stole softly in and found her alone with Paul, and he asleep, that her vigil would soon be over.

"Such a pity!" she sighed. "I had hoped to see him growing stronger, and, as the spring came, quite himself again."

The doctor shook his head. "No more getting up for the poor boy; but I'm glad you can be with him. His affection for you is the most beautiful thing I ever saw. He was always very fond of you, wasn't he?"

"Yes, very. As a little child he depended upon me, as I'm four, nearly five, years older than he. He was always so sweet and gentle."

"Yes. Poor boy! Good-night!" And he went away.

Mrs. Hammel knew the story of the blighting of

#### IN THE FIRST DEGREE

this youngest of the Drayton boys, and she sat watching him as he slept, and thinking how inexpressibly sad it was that the tragedy of that other woman had caused him to come into the world only half equipped for life; and her own misfortune of the same character was, in a measure, the cause of his death.

She was sitting by him, next day, when Judge Hale came in. He spoke to Paul, but, seeing how feeble he was, he joined Mrs. Drayton in the parlor.

They spoke but little, and in low tones. As he rose to go he said, holding the hand of his hostess:

"Mrs. Drayton, I wonder that you are not filled with bitterness and reviling. I feel blackened with nameless sins in your presence, knowing it was my lack of mercy that so reacted upon you that your son has but lived half a life, and now he lies yonder, dying."

She answered quietly:

"No, I am not full of bitterness. I have grieved, truly, for what befell me and mine; but there is so much to undo. There is such a world full—so many ages of wrong conclusions. You see, we can give no guess as to the amount of sorrow there is in the world, caused by—mistakes. I never see an inferior, or a deficient person, but I wonder who was to blame. I am sure that women who refuse, for any reason whatever, to bear children, do not

## IN THE FIRST DEGREE

know how wise they are. They cannot guess the heartaches, the disappointment, they spare themselves."

"True; but where will you find more complete men than are your two older sons, or a more perfect woman than is Lois?"

"Nowhere; and that only emphasizes the tragedy of Paul. I had proven my capacity as a mother. I was like the women Mrs. Browning speaks of, who 'Bear children in strength, and crush back the cry of their pain in self-scorn.' I accepted the mission for which I was created. I rejoiced continually in myself and in my—children, so strong, so perfect, we all were. But little Paul—how I have tried to shield him, but it was not always possible."

"Of course you had medical advice long ago?"

"Oh, yes; immediately after his birth, and many times while he was a child. Nothing could be done. My agony of sympathy for Mrs. Parks sapped his strength, and gave him the legacy of weakness, and the painful appearance of continually strangling. While Mrs. Hammel lay in prison, under sentence, my sufferings of that time before Paul was born were reproduced in him. If it had not been for this he might have lived—not to be old, but many physicians have thought that if he lived to pass the age of twenty-five he might grow stronger."

And so it came to pass that within less than a week after the release of Mrs. Hammel from prison

#### IN THE FIRST DEGREE

she sat by Paul's side and held his hands while he gently passed into the great unknown. His mother knelt by his couch, and his last words to her were: "Never mind, darling mother, you'll have Nan."

He realized that he was dying. His eyes wandered about the group, and seeing Dan, he whispered:

"Try to make over that law, won't you?"

And the promise came: "Yes, Paul, with all my soul, yes."

Then smiling at Mrs. Hammel, the faintest whisper came:

"Dear Nan—pretty—Nan!" And the eyelids drooped, as if in utter weariness, and he seemed to sleep.

Mrs. Hammel felt the hands she clasped grow cold and colder, and, leaning over him, she touched his cheek with her own. Glancing at Mrs. Drayton, who leaned against her, the story was told.

## CHAPTER XXXV

THE snow still lay in hilly drifts in the streets, and in huge, dirty heaps, where the snow-ploughs and the shovels had thrown it, but the sun was shining brightly as preparations were made for the funeral of Paul Drayton, on the Monday following the release of Mrs. Hammel and the death of Jack in the sheriff's office. No one seemed to care much whether or not the man accused by Jack was found. Detective Peters said openly that he had lost interest in the case after Mrs. Hammel was out of it, and as Chicago had a prior claim against Bromley, he would leave it to that city. An officer from there was in Stillwater, awaiting developments, and ready to press his claims if, by chance, Bromley should be drawn to the place by the death of his pal.

It was on Saturday afternoon that two farmers from a half dozen miles away drove into Stillwater and reported the discovery of the corpse of a man in their neighborhood. They had been out after rabbits and other game, when one of them stumbled over the body, where it lay against the

## IN THE FIRST DEGREE

sunny side of a pile of logs. The snow had melted away, and they supposed the man had perished in the first of the storm.

It was a case for the coroner. The body was frozen, but no one knew the face until the secret service man from Chicago came. He at once proved, by certain marks, that this was Nicholas Bromley, forger, card sharp, burglar, murderer.

When Auntie Cleo heard the news, she found reason to reprimand her "ole man."

"Now see w'at yo' done! Yo' c'u'dn't be sat's-fied wid a 'spectable sto'm. Yo' des hed to pestah de Laud till He clean killed dem two low down scamps, w'en dis town was done gone crazy fo' a hangin'. Nex' time yo' set yo'se'f to tell de Laud 'bout runnin' His business, try an' hev sense t' know w'en yo' said 'nuff."

Zeke took his reprimand meekly, and was especially careful about tending the fires for a week afterward; and his prayers were very mild and short.

So Mrs. Hammel found the dark chapter of her life closed irrevocably. She sighed for the past that held her mother, but she resolutely set her face toward the future.

In the home of the Draytons she found, at this time, much to do. She seemed to belong to them through Paul's love for her. She felt glad, without knowing it, that she could be of service. She took

#### IN THE FIRST DEGREE

charge of the house, was the go-between for business people, and met all visitors.

She received Dan and Frances when they came, and in the new light in which Frances saw her husband's relations and friends, she acknowledged to herself that no woman could carry the situation more gracefully than did Mrs. Hammel. She met Dan, not as the prosecutor who had so nearly been her murderer, but as her old-time friend, and as one of the family that had stood staunchly by her through her dark days.

At first Frances found it hard to accept the situation; to meet this woman whom she persisted in thinking her rival, though she refrained from speaking it.

Mrs. Caylor secured another "pass," and, as she told her neighbors, she must "keep up appearances, and go to the funeral of Frank's brother-in-law."

She had heard, in her own home, of the temporary separation of Dan and Frances, and she was unsparing in blame of her daughter.

"You needn't tell me one word," she said severely. "I know your temper, an' I c'u'd see las' summer jes' what it'd lead to. The idee of you settin' yerself up to boss a man like Dan Drayton! W'y, even Liz c'u'd see that you meant to henpeck 'im! Liz ain't so very smart, an' she ain't got no schoolin', but she's mighty right w'en she said, 'Miss Frank'll find Dan won't henpeck worth a

#### IN THE FIRST DEGREE

cent.' An' he didn't. An' you settin' yerself ag'in all 'is folks, too. W'y, what d'ye s'pose'd become of you ef 'is mother hadn't 'a' persuaded 'im to go back to ye? Now, Miss Lady, you jes' better sing kinder small, an' let Dan manage 'is business in 'is own way, an' do what he's be'n raised fer. W'y, by the talk ther' was up our way, he'd 'a' be'n strung up to a lamp-post ef that girl'd 'a' be'n hung. An' look what a sight of trouble they've had all these ye'rs because of one hangin'! W'y, I wonder 'at one las' one o' the Draytons speaks to yer at all; an' I wonder a good deal more 'at sech a man es Dan ought ter be, considerin' 'is father an' mother, an' 'is raisin', that yer c'u'd lead 'im by the nose fer a single minnit. I hope this'll be a lesson t' yer. I don't say 'at Dan's got any notion o' Miss Hammel, nor ever had, but she's mighty good-lookin', an' anybody c'n see, even ef they was blind, what'd be likely t' happen ef you cut up any more sech capers. Besides bein' good-lookin', she's Dan's old chum, an' a burnt stick's easy kindled. She's there in his father's house, an' ef Dan finds he can't live in peace with you, he c'n easy get a divorce fer 'imself, an' then ther's that rich, good-lookin' widdo' right to 'is hand. Ef you bring trouble on yerself you'll jes' hev to bear it."

While Frances listened to her mother, and writhed at her crudity of language, she flushed to her temples because of the truth so plainly spoken.

#### IN THE FIRST DEGREE

For all the veneer of her years in school, in spite of her efforts to obliterate her inheritance of poverty and ignorance, she could not blind her honest, uncultured mother. She could not for a moment deceive her into the belief that she was anything more than simply a lucky woman to be married into a fine, substantial family, that could introduce her into a better way of life than she had ever dreamed of.

This was a great annoyance to Frances. Her mother refused to see her as coming into her own. She had anchored herself securely for life by dint of selfish managing, just as she had always striven to better her own condition and ignore her origin, instead of lending a helping hand to her own, and drawing them upward with her to something a little better than they knew in their poor, plain home, devoid of beauty, and with but few of the comforts of life.

And now the mother's advice, her crude statement of the truth, was like a bitter medicine to Frances; bitter because of the absolute truth of every word.

## CHAPTER XXXVI

MRS. DRAYTON stood by the casket that held her youngest born. There was a look of peace upon her face, and she touched the soft hair of her son gently as she murmured:

“My poor baby!—my blighted boy!”

The door opened softly, and Judge Hale stood beside her.

He clasped her hand and looked down on the face of the dead. The house was very still. It was Sunday morning. The sun was shining brightly. The snow was melting, and the streets had many flowing streams.

“I came this morning,” said the old lawyer, “to see you for perhaps the last time, until whenever it is that you can give your little girl into the care of my son.”

“You go home?—East?”

“No, not at once. Where I go will depend upon the information you give me about a certain family. If I remember correctly, you told me, some short time ago, that you kept trace of the sister of the unfortunate Mrs. Parks.”

IN THE FIRST DEGREE

"Yes; I've known of her since a short time after the tragedy."

"I do not pretend to say that I can make any reparation—I know that I cannot—but I'll do what I can. If this Mrs. ——"

"Rayburn," Mrs. Drayton supplied.

"Yes, Mrs. Rayburn; if she needs anything that a moderate amount of money can supply, she shall have it. If the daughter of Mrs. Parks can in any way be benefited by aught that I can do, all that is possible shall be done. Can you tell me of their circumstances?"

"I only know what Mrs. Rayburn writes me. They have prospered in the West. I hear from them every week."

"Indeed? How did you come to feel so much interest in her? I had not understood that you ever met her."

"Yes, I've met Mrs. Rayburn—not for many years, though, and our meeting at the time, soon after the great trouble, was by the merest chance. Before the birth of Paul I was in such a precarious state of health that my—children were taken in charge by my mother, who lived in a neighboring town. After Paul's birth I was still feeble, and my puny, inferior baby did not tend to encourage me in gaining strength. My physician advised an entire change of scene for a season. I was too

#### IN THE FIRST DEGREE

spiritless to do anything but consent to whatever was arranged for me.

"My husband had some business interests in the West, and with a reliable nurse we started on our long journey, leaving Basil and Dan with their grandmother. We were but one day on our way when I noticed a family group that interested me, and I watched them, drawn to them uncontrollably. The family consisted of the young husband and wife and four children: two boys, a little girl less than two years of age, and a baby girl in arms.

"It is needless to say how the acquaintance began. Before the end of the second day, through sympathy for me and the baby, I knew that this young mother was the sister of Mrs. Parks, who had interested me so to my own hurt. I knew, too, that the pretty little Carrie was the daughter of that most unfortunate woman. So our friendship grew. We were together for the week or more that it required to make the journey. The Rayburns were going to live on a ranch somewhere in the Far West, to hide themselves, if possible, from everyone who had ever known them and the tragedy connected with them.

"Particularly, Mrs. Rayburn wished her little niece to be known as her own child, and never, by any chance, to hear of her mother. If you remember, Parks was killed in an elevator accident a short time before the death of his wife."

## IN THE FIRST DEGREE

"Yes, I believe I do remember it."

"We journeyed together, and our friendship grew through our sympathy with each other; and when we separated there, amongst the strangers, no one but ourselves could have said to a certainty to which parents the several children belonged, excepting the babies in arms."

Judge Hale was leaning forward in his chair, his bushy eyebrows drawn down so as to almost hide his severe dark eyes. Mrs. Drayton paused; her hand rested on the edge of the casket.

"I've said nothing, as yet, Judge Hale, that you, lawyer as you are, can use to trace the daughter of Mrs. Parks."

"Mrs. Drayton," he said, scarcely above a whisper, "what's this that you tell me?"

"I'll tell you in a minute where you may find the daughter of the woman whose life you might have saved, and did not."

"There was no least doubt of her guilt."

"There was no least doubt of her provocation. She was a woman whose sense of right had been outraged beyond endurance."

"But, Mrs. Drayton, while the law stood as it did, what was I to do?"

"Just what you did. Anyone may become a murderer if the sufficient provocation comes. It came to Mrs. Parks, and it came to you."

"Ah!" And his breath came between his com-

#### IN THE FIRST DEGREE

pressed lips in a hiss. "Is that the summing up of the case against me? What would become of the laws if your reasoning grew to be general?"

"The laws would be repealed, as laws are every year in every State in the Union. Which laws are older—those made by men, or those of human nature? Those based upon innate knowledge of right and wrong?—those that rise in rebellion when the soul of the human is tyrannized over?"

"Still, Mrs. Drayton, while it is pitifully true that homicide is justifiable in many instances because of provocation, yet we must have laws that will deal with an even hand."

"But the law discriminates; it is allowed to discriminate. It grows to one interpretation in the hands of one lawyer, to another when translated by another. A man may be an avenging autocrat in dealing out the letter of the law, or he may be the personification of mercy by recognizing the spirit. In face of the awful tragedy but barely averted here amongst us, I cannot see how anyone can uphold a law that sanctions—nay, demands, the taking of human life. That there must be laws, I agree; but a life should not be taken, even a most depraved life, by a vote of aye or nay. Here," and she laid her hand on the forehead of the dead, "is my argument. As I suffered, so have other women suffered."

"In the presence of this potent argument I stand

#### IN THE FIRST DEGREE

convinced. I feel that, all unknowing, I wronged you, perhaps others. I dealt out justice as I found it made for my hand. I have sinned grievously, and I believe I am truly repentant. I am ready to humble myself before the family of—Mrs. Parks. Kindly finish your story. You left those people somewhere near the Pacific coast? The baby of that sad time is now a woman."

"Yes, we left the Rayburns on a ranch in Southern California. I have never seen them since. The Parks child is now a woman, but in all our correspondence she is never mentioned save by the name she received when adopted. She might read every letter that passes between Mrs. Rayburn and myself, and never suspect the truth. She supposes herself the real daughter of her foster parents, and the other children of the family suppose so, too. You remember, Judge Hale, that I believe if the supreme provocation arises, any man—any woman—may take life?"

"Yes, Mrs. Drayton, I remember; and I, too, believe that any human creature may do anything that any other has done."

"Listen, then. If I give you the clew—if I tell you where you may find this girl, and you in the least item forfeit your voluntary, unsolicited promise to be kind and helpful to her—if you breathe it to anyone but myself or my husband that you even know her to be other than what you see, thus undo-

## IN THE FIRST DEGREE

ing the work of years of those who have cherished her——” Mrs. Drayton paused, leaned forward, and her eyes burned black in her pallid face. “Listen! Here, in the sacred presence of my dead son, I tell you that my own provocation will be at hand!”

Her voice ended in a whisper.

Judge Hale spoke slowly, deliberately:

“I hear you. I understand. I accept the conditions. Go on.”

“While in California, the nurse I had sickened and died. We sent her remains to her friends, and with Mrs. Rayburn’s assistance I managed until we separated, I to come East, she to go to their ranch. Then I engaged another nurse in the town where we were, for my *two* children, and——”

“Mrs. Drayton!” And Judge Hale sprang to his feet. She, too, arose, and met his fierce eyes steadily.

As a blind man might, he put out his hands as if to seize her. She took a step backward, but never once shifted her gaze from his.

“Lois?” he said, hoarsely.

“Lois!” she repeated, in a low, even tone. He sank into his chair, and Mrs. Drayton resumed her place beside the casket.

“This daughter of a murderer—the child of a woman executed by the law—is to be my son’s wife!”

## IN THE FIRST DEGREE

"This daughter of a woman foully wronged, tortured beyond endurance, and then pitilessly slain, is to be the wife of the son of the man who caused her mother's death."

"Mrs. Drayton, the crime was there; it must have been punished! If Mrs. Parks had been imprisoned for life, her daughter must have known of it; at least, it's most probable that she'd have known. Seems to me, that, for all concerned, death was more merciful."

"It was a shorter, swifter way out of it for all—excepting myself and my child. In the case of life imprisonment I should not have been drawn into the matter at all, excepting to grieve that a woman had been driven to madness in her own home. You saw Paul while agonizing over the—law's decree—in the case of Mrs. Hammel. He rehearsed all my suffering of so many years ago. This torture of sympathy I would not have felt for a woman in prison. But to know that she must die by the hands of men—that she must know of it for days beforehand, was the cruelty of it.

"That was why I suffered, why my son was dwarfed and incomplete, why his life was a torture, and why we cannot grieve for his early death. That was why I took to my heart the little orphan, seeking in a small way to atone for the sins of the law against her mother.

"When I came to Stillwater, twenty years ago,

## IN THE FIRST DEGREE

without going to my old home, and sent for Basil and Dan, they received the little sister and the little brother without question. They believe that Lois is their sister. My family in the East was small, and people did not travel as much as they do now. I've never once been embarrassed by questions as to the age of Lois, or anything pertaining to her."

"I never would have believed," Judge Hale said, reflectively. "I've always said that blood would tell; that birth is more than training."

"And you are right. Mrs. Parks was naturally a gentle, self-sacrificing woman. She was a well-educated woman. I know this from many sources. The daughter has one of the tenderest, most sympathetic natures I ever met. But her sense of right and wrong is most acute; sharpened, I've no doubt, by what her mother endured before she was born. Her father was brutal in his nature, and all the culture he possessed but served to hide his bestiality from the persons he met casually."

Judge Hale was silent. His face was troubled. It reflected the hurt that was inflicted on his pride by the eternal law that metes out justice even-handed.

Mrs. Drayton was about to speak, when the portiere was swept aside.

"Mamma!" And Lois, pale, sad, lovely in her plain black dress, came in.

IN THE FIRST DEGREE

"What is it, dear?"

"I only wanted to find you," and she stood, undecided whether to go or stay.

Judge Hale arose, and, advancing to where she stood, he took her in his arms.

"My little girl!" And he pressed his cheek against her crown of brown hair. "My dear daughter, no evil shall ever touch her that a sad and sinful old man can prevent."

THE END







**UNIVERSITY OF CALIFORNIA LIBRARY**  
**Los Angeles**

**This book is DUE on the last date stamped below.**

UC SOUTHERN REGIONAL LIBRARY FACILITY



A 001372360 6

PS  
1077  
B318i

